

## JOINT REGIONAL PLANNING PANEL

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<b>ITEM No.</b>	1
<b>Application Number</b>	DA-862/2012
<b>Proposed Development</b>	Re-use of existing industrial building and construction of 102 residential dwellings, and associated subdivision, demolition, site landscaping, infrastructure and services
<b>Property Description</b>	Lot 1 DP 247485 No.20 Shepherd Street, Liverpool
<b>Applicant</b>	Burton Property (NSW) Pty Ltd
<b>Land Owner</b>	A.C. McGrath & Co (wholesale) Pty Ltd
<b>Cost of Work</b>	\$24,170,000.00
<b>Recommendation</b>	Approval – subject to conditions



## 1. EXECUTIVE SUMMARY

### 1.1 Reasons for the Report

The proposal has a capital investment value of more than \$20million. Pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979 the Joint Regional Planning Panel retains the role as the determining Authority in accordance with the provisions of State Environmental Planning Policy (State and Regional Development) 2011.

### 1.2. The proposal

The development application seeks consent for the erection of 102 residential dwellings (comprising 24 townhouses and 78 apartments) and provision of 104 car parking spaces on the site. It will involve the demolition and adaptive reuse of the existing heritage listed warehouse building plus

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associated site remediation, landscaping (common and private open space), and infrastructure and services.

Details of each component of the development are canvassed in detail later in this report.

### **1.3 The site**

The subject site is known as Lot 1 in DP 247485, No.20 Shepherd St, Liverpool and is located on the south-eastern corner of the intersection of Shepherd Street and Atkinson Street.

### **1.4 The issues**

The main issues are identified as follows:

- Heritage classification of the site.
- Identified contamination of site.
- Flood affectation of site.
- Non-compliance with Liverpool Local Environmental Plan 2008 (LLEP 2008) – Foreshore building line.
- Non-compliance with Liverpool Development Control Plan 2008 (LDCP 2008) - carparking, setbacks, private open space and bicycle parking controls.

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

In accordance with Liverpool Development Control Plan 2008, the application was advertised for 30 days between 4 April 2012 and 9 May 2012. As a result of the exhibition period a total of five submissions were received all opposing the development.

### **1.6 Conclusion**

The application is for an adaptive reuse of an existing industrial site for multi-unit residential purposes. The application is accompanied by a number of specialist reports which have identified issues in respect of heritage, contamination and flooding and traffic. There are a number of minor numerical non-compliances however none of these matters are considered to be of such significance to warrant refusal of the application.

In this regard, it is recommended that the development application be approved subject to the recommended conditions of consent.

## **2. SITE DESCRIPTION AND LOCALITY**

### **2.1 The Site**

The subject site is known as Lot 1 in DP 247485, No.20 Shepherd St, Liverpool and is located on the south-eastern corner of the intersection of Shepherd Street and Atkinson Street. An aerial photograph of the site is provided in Figure 1 below.



**Figure 1: Aerial of the subject site**

The site is an irregular shaped allotment with a site area of 9,873m<sup>2</sup> and frontages of approximately 78 metres to Shepherds Street and 105 metres to Atkinson Street.

The site currently contains disused industrial warehouse building and associated hard stand carparking and is a listed heritage Item under LLEP 2008. The heritage item is listed as local item no.104.

The NSW Heritage database describes the site as 'McGrath Services Centre' and states '*The item demonstrates the history of the development of local industry in the Liverpool area from as early as 1865. It particularly demonstrates the history of the Woollen industry, one of the most important local industries and largest employers in the area from the early to mid-20th century.*'

Photographs of the existing site conditions are provided in Figures 2 and 3 below.



**Figure 2: Site Photo - View south-east at corner of Shepherd Street and Atkinson Street**



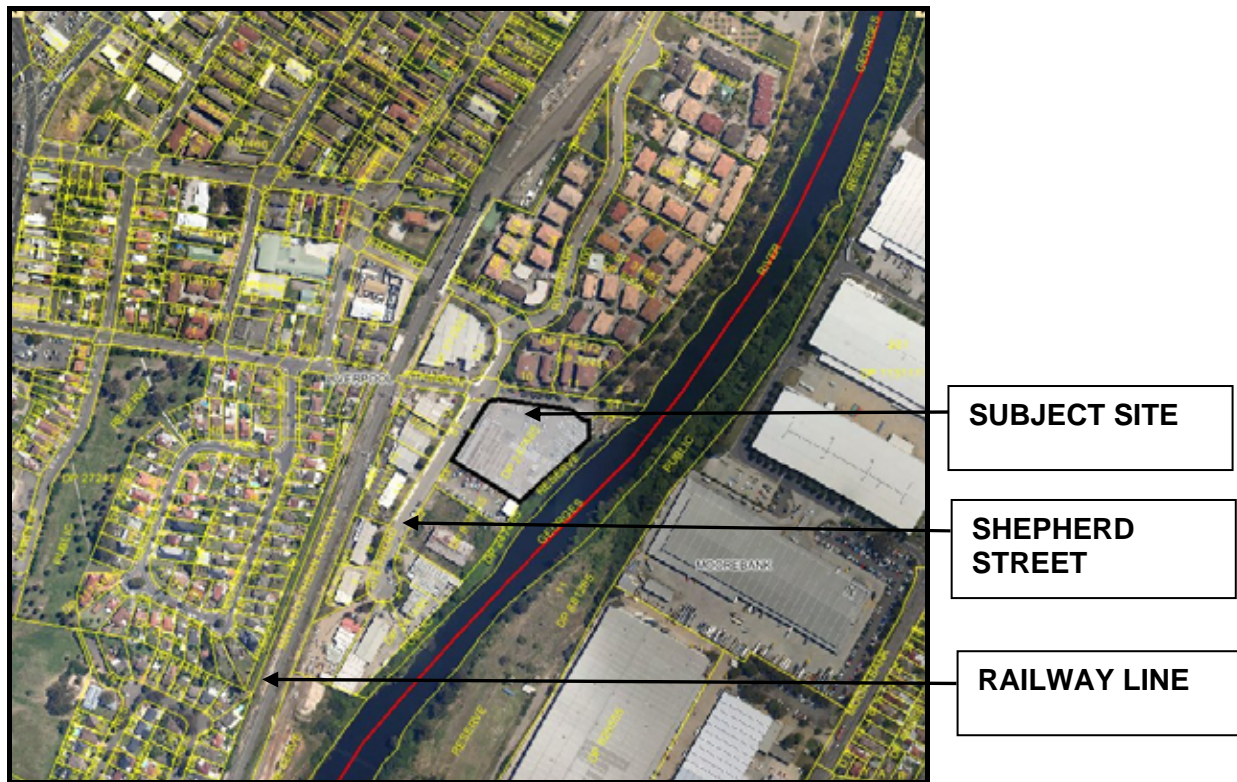
**Figure 3: Site Photo - view from north eastern corner (on Atkinson Street) looking south-west across the site**

## **2.2 The Locality**

The site fronts the foreshore reserve of the Georges River to the east, adjoins medium-high density residential development to the north, industrial/warehouse developments and railway line to the west and a disused warehouse building to the south. The main commercial and retail centre for Liverpool is located to the north of the site and Liverpool Railway Station is located approximately 1km to the north with the rail line located to the west of the site.



An aerial map of the locality is provided in Figure 4 below.



**Figure 4 – Locality Map**

So that the context of surrounding the proposed development can be understood an extract from the applicant's architectural plans (oblique view) is provided below.



Figure 5: Extract from architectural oblique view from development application submission

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### 3. BACKGROUND

#### 3.1 Design Review Panel Briefing

The matter was considered by the Design Review Panel (DRP) on 31 May 2012. The main outcomes from consideration by the DRP are summarised below:

- Review and 'modest' redesign of the major communal areas (the main driveway and foreshore area).
- Redesign of the river foreshore setback area to allow for public access;
- Redesign of the internal common driveway to reduce the dominance of parking and reinforce and encourage pedestrian paths and thoroughfares;
- Adjustment of building forms and/or redesign of some facades;
- General review of amenity issues such as sunlight, privacy, safety, and security.
- Demonstration that the proposal complies with the 'design excellence' provisions (clause 7.1 and 7.5) of Liverpool LEP 2008.
- Review of building orientation and 'minor' redesign of Buildings C, D and G.
- Building B should be mirror reversed to enable the private courtyards to receive more sunlight;
- Review of landscape concept and incorporation of amended landscape design as part of deferred commencement consent.

#### JRPP Briefing

A briefing was held on 19th July 2012. The primary points of discussion were in relation to:

- Heritage impacts;
- Contamination;
- Amount of on-grade parking; and
- Design and functionality of open space.

#### Issues Identified in Initial Assessment

In response to the above and upon initial review of the application, Council sought further information or clarification regarding the following items:

- Foreshore Area in terms of:
  - Building Line.
  - Foreshore Fencing.
- Landscape Plan.
- Open Space.
- Heritage.
- Time Capsule.
- Contamination.
- On-site Parking and Traffic.
- Accessible Apartments and Parking Spaces.
- Flooding.
- Building Setbacks.
- Waste Management.
- Salinity.

#### Amended Documentation and Design

In response to the concerns and additional information requested by Council, the applicant amended the development application accordingly:



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- Staging - reduction from three (3) to two (2) stages.
- Building Setbacks - The façade of Building G (corner of Shepherd and Atkinson Streets) has been modified and its setback increased from 2.8metres to 4metres.
- Accessible apartments and parking spaces – the accessible spaces have been identified along with the disabled spaces with an explanation regarding the future use and application of these spaces.
- Communal Open Space area – this area has been increased by 320m<sup>2</sup> to 2,320m<sup>2</sup>.
- Foreshore area – meandering pathways have been included in the communal open space connecting across the riverfront frontage of the site and to the central shared pedestrian/vehicular way.
- Internal Driveway – the width of the central driveway has been reduced and with a greater emphasis on a shared way with wider pedestrian spaces and a one way traffic system to minimise conflicts between pedestrians, cyclists and cars.
- Vehicle Access – two-way system has been replaced with a one-way system with entry from Shepherd Street and exit onto Shepherd Street.
- Building façades
  - Additional windows have been included in the non-heritage walls of the apartments facing the central shared way in Buildings to add interest to these facades and improve solar access and maximise passive surveillance of the central communal space.
  - The façade of Building G (corner of Shepherd and Atkinson Streets) has been amended and its setback increased to maximise views the main heritage wall from Shepherd St.
  - The roof form of Block G has been revised to be more in keeping with the overall industrial quality of the site.
  - Apartments in Building B in Stage 1 have been reoriented so that landscaped open spaces moved from the north-east to the north-western side of the block.

Figure 6 below identifies the main physical amendments to the proposal.



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Figure 6: Revised Plan (DA 102 Rev G) with amendments identified in red

#### 4. DETAILS OF THE PROPOSAL

The development application seeks consent for the erection of 102 residential dwellings (comprising 24 townhouses and 78 apartments) and provision of 104 car parking spaces on the site. It will involve the demolition and adaptive reuse of the existing heritage listed warehouse building plus associated site remediation, landscaping (common and private open space), and infrastructure and services as follows.

##### Demolition

The development application incorporates demolition works. A detailed demolition and reuse plan has been prepared given the heritage significance of the site

##### Subdivision

Subdivision into 2 lots to allow for a staged development:

- Stage 1 (Lot 100) 5,442m<sup>2</sup>.
- Stage 2 (Lot 101) 4,430m<sup>2</sup>.

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Each of the proposed allotments will have stormwater, power and water services available with easements to be created where necessary.

**Stage 1 - Proposed Lot 100 (5,442m<sup>2</sup>)  
(Blocks A, B, & C)**

- 24 townhouses (mix of 2 bedroom and 2 bedroom plus study).
- 18 Apartments (mix of 1, 2 & 3 bedroom, includes loft apartments).

This provides for a total of 42 dwellings. A total of 61 car parking spaces (including visitor and disabled) are provided as part of Stage 1. .

Stage 1 is to be located within the refurbished warehouse building.

**Stage 2 - Proposed Lot 101 (4,430m<sup>2</sup>)  
(Blocks D, E, F & G)**

- 60 apartments (mix of studio, 1, 2 & 3 bedroom, includes loft apartments).
- 43 car parking spaces (including visitor and disabled).

An extract of the site plan is provided in Figure 7 below.

**Summary Details**

The summary details provided with the Development Application include:

SITE AREA	9,873m <sup>2</sup>
TOTAL GFA	6,995 m <sup>2</sup>
TOTAL FSR	0.71:1
TOTAL DWELLINGS	102 (approximately 10%) will be adaptable). Dwelling mix: <ul style="list-style-type: none"> <li>▪ 28 x 1 bed (27.5%).</li> <li>▪ 29 x 2 bed (28.5%).</li> <li>▪ 12 x 2 bed townhouse (11.6%).</li> <li>▪ 12 x 2 bed + study (11.6 %).</li> <li>▪ 10 x 3 bed (9.8%).</li> </ul>
STREET SETBACKS	<ul style="list-style-type: none"> <li>▪ Atkinson Street: 3metres – 4.5metres.</li> <li>▪ Shepherd Street: 4metres – 8metres.</li> </ul>
RIVERFRONT SETBACK	Minimum 10metres and variable.
LANDSCAPE AREA	(Deep Soil): 3,152m <sup>2</sup> .
COMMUNAL OPEN SPACE	2,320 m <sup>2</sup>
CAR PARKING	104 spaces comprising. <ul style="list-style-type: none"> <li>▪ 92 Resident.</li> <li>▪ 10 Visitor.</li> <li>▪ 2 Service Vehicles.</li> </ul> (10 of the spaces are identified as disabled spaces).
BIKE STORAGE	28 bikes



Figure 7: Extract of site plan for DA-862/2012

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**Development Application Documentation**

The development application is accompanied by a number of specialist reports were submitted as part of the Development Application, namely:

- Architectural Plans, elevations and sections.
- Landscape Plans
- Heritage Impact Report.
- Traffic Impact Report.
- Access Report.
- BCA Report.
- Crime Risk Assessment (CPTED).
- Bushfire Risk Advice.
- Contamination Assessment – detailed site investigation.
- BASIX Certificate.
- SEPP 65 Verification Report

**5. STATUTORY CONSIDERATIONS****5.1. Zoning**

The subject site is zoned R4 High Density Residential under Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposed development is defined as:

*“**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.”*

***Residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.”*

Both multi-dwelling housing and residential flat buildings are permissible with Council consent in the R4 High Density Residential zone and the development satisfies the above definition.



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**Figure 7: Extract of LLEP 2008 Zoning Map**

## 5.2. Relevant matters for consideration

The relevant planning controls for the proposed development are:

- Contaminated Land Management Act 1997.
- Water Management Act 2000.
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.
- State Environmental Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Infrastructure) 2007.
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
- Liverpool Local Environmental Plan 2008.
- Liverpool Development Control Plan 2008.
  - Part 1.1- General Controls for all Development.
  - Part 1.2 - Additional General Controls for Development; and
  - Part 4 – Development in The Liverpool City Centre.

## 6. 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 2000 as follows:

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**6.1. Section 79C(1)(a)(1) – Any Environmental Planning Instrument****(a) Contaminated Land Management Act 1997**

The Contaminated Land Management Act applies to the proposal and a detailed site investigation report was prepared by SMEC Testing Services. In accordance with Part 1(6) a person is responsible for significant contamination of land 'if either or both of the following is true:

- (2) (a) *the significant contamination occurred because an act or activity of the person resulted in a change in some pre-existing contamination of the land so that the contamination of the land became significant contamination,*
- (b) *the significant contamination occurred because an act or activity of the person resulted in a change in the approved use of the land and the consequent increase in the risk of harm caused the EPA to identify the land as significantly contaminated land (even if the contamination itself did not change).*

Given that the testing results identified that the chemical contamination of the ground water exceeded the allowable thresholds the applicant has also advised the NSW Office of Environment and Heritage of the contamination on the site under the provisions of the Contaminated Land Management Act 1997 (Section 60).

**(b) Water Management Act 2000**

The Water Management Act applies to the proposal. The Act aims to 'provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations'.

Under Part 3 of Chapter 3 of the Water Management Act a person must obtain a permit to make an excavation or remove material from protected land, or do anything which obstructs the flow of protected waters.

The proposal involves works within a riparian corridor along the eastern boundary of the site, adjacent the Georges River. The corresponding 'foreshore building line' within Liverpool LEP 2008 designates a nominal 30metre buffer for the Georges River. The application has been referred to the NSW Department of Water and Council who has issued its General Terms of Approval.

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

State Environmental Planning Policy No. 65 applies to the proposal, as the application incorporates a residential flat building component. Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles in Part 2 of SEPP 65. Following is a table summarising the ten (10) design quality principles outlined in SEPP 65, and compliance with such.

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DESIGN QUALITY PRINCIPLE REQUIRED	DOES THE PROPOSAL ADDRESS THE PRINCIPLE?	HOW DOES THE PROPOSAL ADDRESS THE PRINCIPLE?
<b>PRINCIPLE 1: CONTEXT</b> Good design response and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a locations current character, or in the case of precinct undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identify of the area.	Yes.	Architects SEPP 65 statement identifies retention of existing fabric and structure as far as economically practical: <i>'Retaining this industrial character means the proposed development responds to the predominantly industrial context of the area. The design manages to achieve its conservation goals and provide over one hundred new residences, responding to the local DCPs desire for increased residential density in the area.'</i>  The design response is considered relevant to the existing and future desired character of the area and considerate to the heritage significance of the site.
<b>PRINCIPLE 2: SCALE</b> Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precinct undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desire future character of the area.	Yes.	The Architects SEPP 65 statement provides that: <i>'The scale of the proposed development therefore responds primarily to the scale of the existing heritage structure, as well as the 3 storey walkup blocks across Atkinson St.'</i>  The 3 storey nature of the proposal is within nominated LEP height constraints and compatible with surrounding development.

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DESIGN QUALITY PRINCIPLE REQUIRED	DOES THE PROPOSAL ADDRESS THE PRINCIPLE?	HOW DOES THE PROPOSAL ADDRESS THE PRINCIPLE?
<b>PRINCIPLE 3: BUILT FORM</b> Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	Yes.	<p>The Architects SEPP 65 statement provides that: <i>"The built form responds to the heritage steel truss structure by using the existing steel column grid as the module for a series of 2-3 storey townhouses. The repetitive nature of this form is in harmony with the existing structure. Built form is deliberately kept low above the Shepherd St heritage wall, and the form of the steel trusses is replicated in the roof forms to allow for a number of attic spaces."</i></p> <p>The built form (blocks A-G) provides for suitable internal amenity and considers the character of the existing streetscape.</p>



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DESIGN QUALITY PRINCIPLE REQUIRED	DOES THE PROPOSAL ADDRESS THE PRINCIPLE?	HOW DOES THE PROPOSAL ADDRESS THE PRINCIPLE?
<b>PRINCIPLE 4: DENSITY</b> Good design has a density appropriate for the site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density of the area or in precinct undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.	Yes.	<p>The Architects SEPP 65 statement provides that:  <i>"The floor space within the proposed development represents a compromise between heritage retention and economic feasibility. All apartments aim for an efficiency of space that allows them to be affordable as well as maximising the number of units within the feasible framework, whilst at the same time achieving good amenity. The site is also within walking distance of shops and Liverpool train station."</i></p> <p>The proposal contains a mix of studio, 1, 2 and 3 bed dwellings considered appropriate for the location and proximity to the City Centre.</p>
<b>PRINCIPLE 5: RESOURCE, ENERGY AND WATER EFFICIENCY</b> Good design makes efficient use of natural resources, energy and water throughout its full life cycle including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and	Yes.	<p>The Architects SEPP 65 statement provides that:  <i>"Resource Efficiency:            The retention of the existing heritage fabric and concrete hardstand reduces waste and remediation issues.</i></p> <p><i>Passive solar access and ventilation design principles incorporated into the design will reduce energy usage in the development.</i></p> <p><i>Energy Efficiency:            North, east and west facing windows will be effectively shaded/screened from excessive solar access where required. The proposed development complies with BASIX and has</i></p>

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DESIGN QUALITY PRINCIPLE REQUIRED	DOES THE PROPOSAL ADDRESS THE PRINCIPLE?	HOW DOES THE PROPOSAL ADDRESS THE PRINCIPLE?
reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.		<p><i>been assessed using the NatHERS system."</i></p> <p>Water Efficiency measures include 3 star rated shower heads and basin outlets. Collection of roof rainwater in 6 x 13,000L tanks for re-use in landscaping and car washing, 4-star toilets, 4-star kitchen and bathroom taps, 4-star dishwashers.</p>
<p><b>PRINCIPLE 6: LANDSCAPE</b>            Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-coordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	To be discussed	<p>The Architects SEPP 65 statement provides that:  <i>"The existing landscaped setback to the existing buildings along Shepherd Street is to be retained and reinforced with new boundary hedge and tree planting. The Atkinson Street frontage is to have significant upgrading of the boundary, with feature corner gardens, and 'layered' landscape of trees, hedging shrubs and accent plants to create a high quality residential landscape address for the project."</i></p> <p><i>"The existing truss structure will be used as a trellis and support for landscape elements that soften and humanise the pedestrian connection between buildings, whilst simultaneously celebrating the modulated nature of the structure."</i></p> <p>A detailed Landscape Design Report has been prepared and is discussed at the end of this table.</p> <p>It is considered that the relationship between proposal and foreshore is reasonable and that the proposed common open space will provide the necessary embellishment to this area.</p>
<p><b>PRINCIPLE 7: AMENITY</b>            Good design provides amenity through the</p>	To be discussed.	A mix of studio, 1, 2 and 3-bedroom apartments has been provided.

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DESIGN QUALITY PRINCIPLE REQUIRED	DOES THE PROPOSAL ADDRESS THE PRINCIPLE?	HOW DOES THE PROPOSAL ADDRESS THE PRINCIPLE?
physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.		<p>Buildings have been sited and setback from each other generally in excess of 10metres.</p> <p>10 adaptable units have been provided on the ground floors of Blocks C, D, and E.</p> <p>Naturally ventilated, orientating living areas to the sun (predominantly north-west facing except for units facing Georges River).</p> <p>There is a deliberate attempt to respond to the heritage significance and industrial nature of the site through the layout, retention and replication of the industrial fabric.</p>
<b>PRINCIPLE 8: SAFETY AND SECURITY</b> Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.	Yes.	<p>A Crime Prevention Through Environmental Design (CPTED) has been prepared.</p> <p>The proposed development has includes passive surveillance, with well separated buildings, carparking that is overlooked by adjacent buildings.</p> <p>An estate management office is proposed. Lobbies/shared entrances to have buzzers and intercoms. Vehicle entrances controlled via an automated gate.</p> <p>Security cameras and swipe card access to buildings proposed.</p>
<b>PRINCIPLE 9: SOCIAL DIMENSIONS</b> Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.	Yes.	<p>The Architects SEPP 65 statement provides that:</p> <p><i>"The site is within walking distance of community facilities such as cafes, restaurants and local shopping in the Liverpool City Centre. Additionally, the site is within a 1km walk of the Liverpool train station, and has good bus connections to and from the city and</i></p>

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DESIGN QUALITY PRINCIPLE REQUIRED	DOES THE PROPOSAL ADDRESS THE PRINCIPLE?	HOW DOES THE PROPOSAL ADDRESS THE PRINCIPLE?
New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.		<p><i>surrounding areas. All of these aspects collectively help in improving and enhancing the lifestyle of future residents in the area."</i></p> <p>The provision of a range of dwelling sizes and types has the ability to cater to a range of social and community needs. The location close to the Liverpool City Centre allows for development within proximity to existing facilities and transport.</p>
<p><b>PRINCIPLE 10: AESTHETICS</b></p> <p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	Yes.	<p>The Architects SEPP 65 statement provides that:</p> <p><i>"The composition and articulation of the proposed building facades are of a very high quality, and will contribute positively to the streetscapes of Shepherd St and Atkinson St, as well as the river foreshore. Roof forms mirror existing steel trusses which have been retained, with their existing corrugated roofing material selectively kept to provide a play of light and shade. The repetitive nature of the townhouse apartments, stitched into the existing steel truss grid, is celebrated in an interesting and playful manner."</i></p> <p>The proposal is considered responsive to the environment in terms of composition and use of materials, responding well to the streetscape. The overall aesthetics is considered to reflect a suitable response to the industrial character of the area.</p>

### Landscape Design Report

Following a review of the landscape treatment for the site greater design development has been undertaken in the communal open spaces as follows:

#### Foreshore area:

- Meandering pathways have been included in the communal open space connecting across the riverfront frontage of the site and to the central shared pedestrian/vehicular way.
- The required compensatory additional flood storage area has been incorporated into the design as a landscape depression in line with the recommendations of the project hydraulic engineers
- Informal grassed areas and gazebos have been included for the enjoyment of residents and their guests. These could contain seating and/or BBQ facilities.



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- Suitable native species have been included in the area of the site fronting the riverfront reserve. Additional planting along the boundary is now proposed but open areas retained and gazebos included to enable communal use of the space and maximise the safety and security of residents.

Central 'spine' driveway:

The central driveway has been designed to be more of a shared way with wider pedestrian spaces and a one way traffic system to minimise conflicts between pedestrians, cyclists and cars.

Planting in front of heritage wall on Shepherd St:

Landscaping along the Shepherd St frontage in front of the heritage wall was been redesigned to be visually softer and made more open to allow unimpeded views of this important heritage feature. Proposed fencing along this boundary is proposed to be also transparent in nature.

Planting only along western wall:

All proposed built elements have now been moved off the western wall to be replaced by soft landscaping.

Planting in car parks:

While some planting is proposed in the car park areas the inclusion of the numerous reused trusses in these areas are intended to be planted with vines to also provide green canopies to the car parks and public spaces in preference to individual large planter areas.

Detailed Planting schedules:

Details of all plant species and numbers are now provided. In this regard, while a number of the species chosen are endemic to the area, others have been chosen for their suitability in the context of the heritage building on the site.

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning's publication entitled *Residential Flat Design Code*. The following table outlines compliance with the Residential Flat Design Code, where numerical requirements ('controls') are specified.

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
<b>PART 1 – LOCAL CONTEXT</b>			
<b>BUILDING HEIGHT</b>	To ensure the proposed development responds to the desired scale and character of the street and local area and to allow reasonable daylight access to all development and the public domain.	Building heights range between 10m to 13m (3 storey). Consistent with LEP height requirements and adjoining development.	Yes.
<b>BUILDING</b>	In general, building depth should	In general building	Yes.

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STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
<b>DEPTH</b>	be between 10-18 metres.	depths range from 9.6m to 15m.	
<b>BUILDING SEPARATION</b>	<p>The minimum setbacks between buildings are as follows</p> <p><b>Up to 4 storeys/12m in height:</b></p> <ul style="list-style-type: none"> <li>- 12m between Habitable rooms/balconies</li> <li>- 9m between Habitable/balconies and Non-habitable rooms.</li> <li>- 6m between non-habitable rooms</li> </ul> <p><b>5 to 8 storeys/up to 25m in height:</b></p> <ul style="list-style-type: none"> <li>- 18m between Habitable rooms/balconies</li> <li>- 13m between Habitable/balconies and Non-habitable rooms.</li> <li>- 6m between non-habitable rooms</li> </ul> <p><b>&gt;9 storeys/&gt; 25m in height:</b></p> <ul style="list-style-type: none"> <li>- 24m between Habitable rooms/balconies</li> <li>- 18m between Habitable/balconies and Non-habitable rooms.</li> <li>- 12m between non-habitable rooms</li> </ul>	<p>3 storeys in height.</p> <p>There is a 10metre separation between Buildings A-C and D – G however these are the ends of the blocks and there are no facing windows.</p> <p>Otherwise the proposed building separation is in excess of the required 12metres</p>	Yes.
<b>STREET SETBACKS</b>	To establish the desired spatial proportions of the street and define the street edge. To relate setbacks to the areas street hierarchy.	Retention of existing heritage listed building façade on Shepherd Street and setback of building façade to Atkinson Street with integrated bin stores	Yes

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STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		built to boundary.	
<b>SIDE AND REAR SETBACKS</b>	To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties including future buildings.	Setbacks of building blocks within site boundary to allow provision of light, air, sun, privacy.	Yes.
<b>FLOOR SPACE RATIO (FSR)</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 Design Code.	The proposed FSR of 0.71:1 is controlled by the heritage classification of the building and its immediate cartilage.	Yes.
<b>PART 2 – SITE DESIGN</b>			
<b>DEEP SOIL ZONES &amp; OPEN SPACE</b>	A minimum of 25% of the open space area of a site should be a deep soil zone, more is desirable. Exceptions may be made in urban areas where sites are built out.	Deep soil zone planting provided is 3,152sqm, or 32% of the site. This is more than 25% of the site, and the deep soil zones proposed exceed the minimum 15% requirement as outlined in DCP 2008 – Part 4.  Common open space is not centrally located however it is in a single area and easily accessible to all occupants.	Yes.
<b>ORIENTATION</b>	To protect the amenity of existing development and to optimize solar access to residential apartments within the development and adjacent to the development.	The building placement does not provide overshadowing of any adjoining residential buildings.  It is considered that the proposed development does not compromise the adjacent buildings in relation to solar access.	Yes.
<b>PLANTING ON STRUCTURES</b>	To contribute to the quality and amenity of communal open space on rooftops, podiums etc.	No intention to create rooftop or podium landscaping.	Yes.

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STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		Appropriate landscaping is proposed throughout the site.	
<b>VISUAL PRIVACY</b>	To provide reasonable levels of visual privacy externally and internally, during the day and at night. Relates to separation distance.	The proposed buildings have separation from each other; have a modulated facade providing varied setbacks. In addition the buildings contain shutters, operable sunscreens or solid walls.	Yes.
<b>PEDESTRIAN ACCESS</b>	Identify access requirements from the street and parking areas to the residential apartments, and ensure access is accessible.	Clear and defined pedestrian access paths have been provided.	Yes.
<b>VEHICLE ACCESS</b>	Limit width of driveways to 6 metres and locate vehicle entries on the secondary frontage.	Combination of one and two way driveways in accordance with Australian standards.	Yes.
<b>PART 3 – BUILDING DESIGN</b>			
<b>APARTMENT LAYOUT</b>	Single aspect apartments should be limited in depth to 8 metres from a window.  The back of a kitchen should be no more than 8 metres from a window.	Apart from Block G (studio and 1br apartments), all units are dual aspect.  All kitchens within prescribed depth.	Yes.
<b>APARTMENT MIX</b>	To provide a diversity of apartment types, which cater for different household requirements now and in the future?	The proposal incorporates a mix of studio, 1br, 2br and 3br units.  The proposal provides for adaptable units in accordance with the relevant standards.	Yes.
<b>BALCONIES</b>	Primary balconies to be a minimum of 2 metres in depth.	Primary balconies are all an average of	Yes.



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STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		2metres in depth.	
<b>CEILING HEIGHTS</b>	2.7 metres for residential levels.	2.7metres to all to living areas and 2.4metres to bedroom areas generally.	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. At least 50% of required storage should be within each apartment.	Storage areas provided within each unit or within communal areas.	Yes.
<b>DAYLIGHT ACCESS</b>	Limit the number of single aspect apartments with a southerly aspect to a maximum of 10 percent the total units proposed.	Only Block G has single aspect units.	Yes.
<b>NATURAL VENTILATION</b>	60% of residential units should be naturally cross ventilated.  25% of kitchens should have access to natural ventilation.	90% of units are naturally cross ventilated and natural ventilation is provided to kitchen areas.	Yes.
<b>WASTE MANAGEMENT</b>	Supply Waste Management Plan in conjunction with the DA.	A Waste Management Plan has been submitted.	Yes.

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

The objectives of SEPP 55 are:

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

Pursuant to the above SEPP, Council must consider:

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

The proposal involves a change in the use of the land, from an industrial area to residential uses and under the SEPP 55 guidelines is considered a site that could be contaminated.

A Detailed Site Investigation was submitted as part of the application. The assessment undertaken by SMEC Testing Services involved a collection of soil samples for 19 evenly spaced

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locations across the site with additional targeted sampling for 12 locations of on-site activities where there was high potential for contamination to have occurred. The report includes a number of recommendations and conclusions which are summarised as follows:

- *It is unlikely that groundwater migrating off-site would have a significant impact on the water quality in the Georges River due to the concentrations of contaminants in the groundwater being generally low and the substantial dilution of groundwater seepage in this large volume water body. However, surface water sampling from the river would be necessary to confirm this.*
- *Despite the actual risks to the Georges River as a result of groundwater discharge from the site being low, the off-site migration of chemically impacted groundwater above ecosystem protection criteria satisfies the triggers for notifying OEH of the contamination under the provisions of the Contaminated Land Management Act 1997. That is, the owner of the site has a legal duty to report the groundwater impacts to OEH.*
- *Based on the results of the DSI, the site is considered to be suitable for an ongoing commercial/industrial land use provided that the sealed configuration of the land is maintained and that an EMP is prepared to ensure that the TPH, benzene and asbestos impacted soil is appropriately managed in the long term. The results also shows that the site would be suitable for residential redevelopment provided that remedial works and/or management intervention are implemented to address the elevated levels of heavy metals TPH, benzene, PAH and asbestos in the soil which present a potential risk to human-health and the environment for a residential land use setting where the soil is accessible to site users.*
- *The extent of active remediation that will be required will largely depend on the degree of land re-contouring and/or hardstand surface covering that is proposed as part of the residential redevelopment. In view of this, it is recommended that the remedial strategy be developed once the development plans for the site have been finalized. Based on the final development plans, further soil sampling to delineate the extent of contamination may also be required in order to develop the most appropriate and cost effective remedial strategy. It is also possible that OEH may request that the groundwater be further investigated following their receipt of the notification.*

Accordingly, Council is required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application (Clause 7).

Clause 7 Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	

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Clause 7 Contamination and remediation to be considered in determining development application	Comment
(a) it has considered whether the land is contaminated, and	The applicant has provided a written report that the land within the development area was impacted on by past industrial activity and has provided evidence indicating the land is contaminated.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The Contamination Assessment identified a need for remediation to make the site suitable for residential use.  It is considered that a Remediation Action Plan (RAP) will be required in order to ensure that the land will be suitable for the intended residential use.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	It is considered that a Remediation Action Plan (RAP) will be required in order to ensure that the land will be suitable for the intended residential use. A condition of consent will be imposed to this effect.

Council's health department has reviewed the matter and considers that this matter can be addressed by conditions of consent. A formal remediation action plan will be required prior to the issue of a construction certificate with works to be undertaken prior to construction works commencing.

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

A BASIX certificate and report has been submitted with the development application.

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

The application was referred to the Roads and Maritime Services (RMS) for comment however is not required by Clause 104 of the subject SEPP to do. Nevertheless, the RMS have however provided a response advising that it has no objections to the proposal.

The site is within proximity to a rail corridor (approximately 75 – 95metres) and therefore State Environmental Planning Policy (Infrastructure) 2007 needs to be considered. Clause 87 Impact of rail noise or vibration on non-rail development provides that Council consider if residential development on land adjacent to a rail corridor is likely to be adversely affected by rail noise or vibration. In consideration of this impact Council should have regard to guidelines that are issued by the Director-General, namely "Development near rail corridors and busy roads – interim guidelines".

Under the Guidelines the level of assessment required is determined by the distance from the rail corridor, as identified by Figures 3.1 and 3.2. it is understood that the southern rail line services have a speed limit of >80kh/h and any development within 80metres of the rail line requires an acoustic assessment and/or vibration assessment. The dwellings fronting Shepherd Street are most likely to be affected however the closest dwellings are approximately 83metres from the rail

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corridor. This is outside the limit identified in the Guidelines line and therefore no acoustic or vibration assessment is required however it is considered reasonable to require the applicant to provide acoustic treatment to ensure that the noise levels do not exceed the nominated 35dB(A) and 40dB(A) levels for internal rooms.

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

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

When a consent authority determines a development application planning principles are to be applied (Clause 7(2)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

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

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respective offices of those Departments),	
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	<p>The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.</p> <p>The issue of site contamination has been addressed above.</p>
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	<p>General Terms of Approval have been issued by the NSW Office of Water.</p> <p>The Rural Fire Service has issued the Bush Fire Safety Authority (BSFA).</p>
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for residential development and the proposal provides an opportunity to address past potentially contaminating land use practices.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The land is not identified as containing acid sulphate soils on LLEP 2008 Acid Sulphate Soil mapping.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site contains flood affected land. The proposal does not include filling of land. Any potential pollution hazard due to flooding of the residential development is considered minimal.
(4) Industrial discharges	As outlined within the contamination report, the past industrial use may have contributed to discharges to the Georges River. The proposal includes remediation of the site to make suitable for intended residential use.
(5) Land degradation	<p>An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.</p> <p>The proposal includes remediation of the site to minimise any impacts on ground and surface water.</p>
(6) On-site sewage management	Not applicable.
(7) River-related uses	The proposal does not prevent access to the foreshore area by the public.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes

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	connection to existing services.
(10) Urban development areas	<p>The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy.</p> <p>The site is not identified as being an Urban Release Area under LLEP 2008.</p>
(11) Vegetated buffer areas	<p>The site is located within a Vegetated Buffer Area as defined within GREP No. 2 (<i>Development on land within the Catchment that adjoins, and is within 100 metres of, a drainage line, creek, wetland or river foreshore area within the Catchment</i>).</p> <p>The site is adjacent to the Georges River and apart from the Office of Water General Terms of Approval no works are proposed within the riparian zone.</p>
(12) Water quality and river flows	A drainage plan proposes stormwater connection to existing services.
(13) Wetlands	Not applicable.

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

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

As stated previously the subject site is zoned R4 High Density Residential under Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposed development is defined as *multi-dwelling housing* and *residential flat buildings*, both of which are permissible with Council consent in the R4 High Density Residential zone.

**Zone Objectives**

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

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

The proposed development would meet and satisfy the above stated objectives. Specifically, the building will provide a total of 102 dwellings (with a mix of studio, 1, 2, 3bedroom and a number of adaptable units).



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The site is located in an area identified for urban renewal, in close proximity to both Liverpool Railway Station and retail and commercial facilities. The redevelopment will not result in the fragmentation of land.

***Principal Development Standards***

The following principle development standards are applicable to the proposal:

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
Clause 4.1 Minimum subdivision lot size	The minimum subdivision lot size shown for the land on the subdivision lot size Map is "U" 1000sq.metres.	The proposal contains 2 proposed lots, varying in size between 4,430m <sup>2</sup> , 5,442m <sup>2</sup> .	Yes.
Clause 4.3 Height of Building	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map  Applicable Height limit to the site is nominated as "S" 24 metres.	The proposal provides a maximum height of 13.07m to the ridge line.	Yes.
Clause 4.4 Floor Space Ratio	The floor space ratio on the LEP map is 'S1' or 1.5:1.  Within the Liverpool City Centre the maximum floor space ratio [clause 4.4(2B)] is 2.5:1 for a site area of greater than 2,500m <sup>2</sup> .	The proposed FSR is 0.71:1 GFA 6,995/9873.  The FSR does not maximise the potential of the site however consideration needs to be given to the heritage significance of the site.	Yes.
Clause 4.6 Exceptions to Development Standards	This clause provides for a degree of flexibility in applying development standards provided a better outcome can be achieved.	Variation to Foreshore Building Line has been sought.	Yes.

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CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
Clause 5.6 – Architectural Roof Features	<p>Council may permit variations to the maximum building height for roof features of visual interest.</p> <p>The roof features must be decorative elements, and the majority of the roof must be contained within the maximum building height.</p>	No variations proposed.	N/A.
Clause 5.9 – Preservation of Trees or Vegetation	Councils consent is required prior to the removal of any existing trees of vegetation.	The site contains predominantly hardstand areas. The development is accompanied by an integrated landscape plan.	Yes.
Clause 5.10 – Heritage Conservation	<p>Council may, before granting consent to any development on land within the vicinity of land upon which a heritage item is situated, or a conservation area may require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned</p>	<p>The site contains a listed heritage item “McGrath Services Centre” (Item 104), and is in the immediate vicinity of other another heritage item, namely: Light horse Park (Item 70).</p> <p>The applicant has submitted a Statement of Heritage Impact that has identified that the proposal is acceptable in heritage terms, ‘given the original elements identified as significant are to be retained’. (remnant c1868 brickwork to southern elevation and 1914 arcaded brick façade to Shepherd Street and the steel roof structure).</p>	Yes.
Liverpool City Centre			
Clause 7.1 - Objectives for Development in Liverpool City Centre	Council must be satisfied that the proposed development is consistent with such of the objectives considered relevant to the development.	Objectives (a) to preserve existing street layout and reinforced rate character; and (f) to enhance places of heritage significance. This matter is discussed at the end of this table.	Yes.

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CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
Clause 7.4 Building Separation in the Liverpool City Centre	A 9metre separation distance is required for parts of buildings between 12m and 25m in height on land in R4 High Density Residential zones	<p>The proposed buildings (blocks A-G) have a maximum height of 13.01metres. However the proposed buildings are generally separated by distances exceeding 10 metres.</p> <p>In terms of future adjoining development the affected property is to the south (currently a caryard). The proposed buildings are between 4.5m – 6m from the boundary however the placement is largely dictated by the footprint of the existing heritage building. The minimum 4.5m is 50% of the required minimum 9m meaning that the wall of a future adjoining g building would observe a similar setback. This is considered reasonable.</p>	Yes
Clause 7.5 – Design Excellence In Liverpool City Centre	The objective of this clause is to deliver a high standard of architectural and urban design.	<p>The site is not identified on the key sites map as subject to a design competition.</p> <p>The design has considered the need to preserve the character of the existing heritage buildings, use suitable materials and improve the quality and amenity of the locality.</p> <p>Further details and analysis are provided at the end of this table.</p>	Yes.
<b>General Provisions</b>			

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CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
Clause 7.6 Environmentally significant land	Consider impacts of development on environmentally significant land, bed and banks of waterbody, water quality and public access to foreshore.	The site contains a small portion of environmentally significant land identified on mapping as fronting the Georges River. The proposal is on existing hardstand land with no evidence of remnant vegetation. The application is accompanied by an integrated landscape plan which has been addressed earlier in this report.	Yes
Clause 7.7 Acid Sulfate Soils	<p>The subject site is identified as Class 5 Land on the Acid Sulfate Soils Map.</p> <p>Works within 500m of adjacent Class 1, 2, 3, or 4 land that is below 5 metres AHD by which the water table will be lowered an Acid Sulfate Soils Management Plan is required.</p>	<p>The proposal provides on grade car parking which requires no excavation.</p> <p>The site is within 500 m of class 1 land and consequently an Acid Sulfate Soils Management Plan should be required however it does not propose works below 5metres AHD which would impact on the water table.</p>	Yes.
Clause 7.9 Foreshore Building Line	<p>The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.</p> <p>The required setback is 30metres.</p>	The proposal will embellish the foreshore area. Minor encroachment with the southwestern corner of Block D is setback 26.63metres in one corner (3.37m).	No. Variation has been sought

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CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
7.14 – Minimum Building Street Frontage	The aim of this clause is to ensure that visually buildings have an appropriate overall horizontal proportion compared to their vertical proportion, and to ensure that car parking is appropriately dimensioned and vehicular access is reasonably spaced.	<p>The site has a 78metre frontage to Shepherd Street and 105metre frontage to Atkinson Street which complies with the required 24metre requirement.</p> <p>Pedestrian and vehicular access is proposed from both Shepherd St and Atkinson Streets.</p> <p>The lower levels of the building provide an appropriate mix of horizontal and vertical elements.</p>	Yes.
7.31 Earthworks	to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	Waste management plan has been submitted for demolition and construction. This will be undertaken in conjunction with the required Remediation Action Plan.	Yes

**Comment on variation to LLEP 2008:**

As identified in the compliance table above, the proposal is generally compliant with the majority of provisions prescribed by LLEP 2008 with the exception of the following:

**Clause 7.9 Foreshore Building Line**

**Comment:** Due to the irregular boundary fronting the Georges River a small corner of Building D encroaches by approximately 3.37metres (11.2%) on the foreshore building line with the majority of that building being setback substantially behind the foreshore building line.

Due to the irregular boundary the corner segment of the eastern dwelling in Building D, fronting Atkinson Street is setback approximately 20metres from the foreshore building line (ie 50metres).

Pursuant to clause 4.6 Exceptions to development standards, the small encroachment at the western corner of Building D is considered acceptable on the basis that the majority of Building D is set well back in excess of the required 30metre foreshore building line. Accordingly the design is supported as it is consistent with the objectives of clause 4.6, namely:

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

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**6.2. Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument**

No draft Environmental Planning Instruments apply to the site.

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

Part 1.1- General Controls for all Development; Part 1.2 - Additional General Controls for Development; and Part 4 - Development In The Liverpool City Centre of the Development Control Plan apply to the proposed development and prescribe standards and criteria relevant to the proposal.

The following compliance table outlines compliance with these controls.

<b>PART 1.1- GENERAL CONTROLS FOR ALL DEVELOPMENT</b>		
<b>CONTROLS</b>	<b>PROVIDED</b>	<b>COMPLIES</b>
TREE PRESERVATION	Minimal existing vegetation. Two trees within setbacks to Shepherd Street will be removed, with a number (Bottlebrush, Paperbark, and Pepper Tree) to be retained.	Yes.
LANDSCAPING	The proposal provides a detailed landscape plan and design that includes a Landscape Design report.	Yes.
BUSHLAND AND FAUNA HABITAT PRESERVATION	The subject site does not contain any bushland or fauna habitat.  A strip of vegetation (20m in width) adjoins the site to the south, running along the bank of the Georges River. The Office of Water has issued its General Terms of Approval.	Yes.
BUSHFIRE RISK	The subject site contains bushfire prone land 'vegetation buffer' which provides a buffer to a strip of vegetation on the opposite side of the Georges River to the south of the site.  A strip of vegetation on the northern side of the Georges River (immediately adjoining the site to the south) has not been identified as Fire Prone Vegetation.  The Bushfire advice provided with the application has identified the threat from ' <i>that vegetation is defined as BAL-LOW, requiring no protection measures</i> '.  The NSW Rural Fire Service has issued it s BSFA with no conditions.	Yes.
WATER CYCLE MANAGEMENT	The proposed development provides a stormwater and hydraulic design.	Yes.



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PART 1 .1– GENERAL CONTROLS FOR ALL DEVELOPMENT		
	<p>It is proposed to make one (1) connection to Council's stormwater infrastructure to the pit located at the end of Atkinson St.</p> <p>A Stormwater Drainage design has been prepared. The proposal does not provide for on-site detention due to the impervious site area and location adjacent the discharge point at Georges River.</p>	
DEVELOPMENT NEAR CREEKS AND RIVERS	<p>The subject site has a frontage of approximately 100metres to the Georges River.</p> <p>The Office of Water has issued its General Terms of Approval.</p>	Yes.
EROSION AND SEDIMENT CONTROL	<p>The proposed provides a soil and erosion control measures including</p> <ul style="list-style-type: none"> <li>• sediment and erosion control silt fence</li> <li>• Temporary Construction Vehicle Entry consisting of a 15m long by 3m wide 'cattle rack'.</li> <li>• Stormwater pump out if required</li> <li>• Dust control measures that appears to be acceptable to Council. Conditions will be imposed regarding this matter.</li> </ul>	Yes.
FLOODING RISK	<p>The subject site contains land identified as low – medium flood risk.</p> <p>The development has been designed with all habitable floors being constructed 0.5m above the 100 Year ARI (9.8 AHD). (required above RL10.3).</p> <p>An additional compensatory flood storage area has been identified.</p>	Yes.
CONTAMINATION LAND RISK	<p>The proposal involves a change in land-use from industrial to residential use.</p> <p>A Detailed Site Investigation has been undertaken which concludes that the <i>'site would be suitable for residential redevelopment provided that remedial works and/or management intervention are implemented to address the elevated levels of heavy metals TPH, benzene, PAH and asbestos in the soil'</i>.</p> <p>Further investigations including surface water sampling from the Georges River is considered</p>	Yes.

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PART 1 .1– GENERAL CONTROLS FOR ALL DEVELOPMENT		
	<p>necessary to confirm whether groundwater migrating off site has any impact on water quality.</p> <p>A formal remediation action plan will be required prior to the issue of a construction certificate with works to be undertaken prior to construction works commencing.</p>	
SALINITY RISK	<p>The Salinity Map for Western Sydney (2002) identifies the site in an area of 'moderate' salinity.</p> <p>This section of the DCP requires a Level 3 salinity response for 'moderate' salinity areas. The applicant has identified the land as containing low levels and will construct the foundations and slab flooring in accordance with AS2159-2009 and AS2870-2011. Also no works are proposed beyond 1metre below the natural ground surface.</p>	Yes.
ACID SULFATE SOILS RISK	<p>The subject site is identified as Class 5 on the Acid Sulphate Soils Map.</p> <p>The site located within 500metres of Class 1 land however minimal excavation is proposed and acid sulphate soils risk considered minimal.</p>	Yes.
WEEDS	The site does not contain any known noxious weeds.	N/A.
DEMOLITION OF EXISTING DEVELOPMENT	The site has a number of buildings proposed for demolition. The Waste Management Plan and demolition plan have been submitted having regard to the heritage significance of the site.	Yes
ON-SITE SEWERAGE DISPOSAL	The subject site does not require on-site sewerage disposal as the area has access to sewer.	N/A.
ABORIGINAL ARCHAEOLOGY	The site is located adjacent to the Georges River and is a listed item of European Heritage, and is in the immediate vicinity of other heritage items, namely: Light horse Park (Item 70). The heritage report has identified a long industrial use of the site thus limiting any potential aboriginal heritage. Additionally the minimal site works will further reduce the likelihood of impacts.	Yes
HERITAGE AND ARCHAEOLOGICAL SITES	The site contains a listed heritage item "McGrath Services Centre" (Item 104), and is in the immediate vicinity of other another	Yes.

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PART 1.1- GENERAL CONTROLS FOR ALL DEVELOPMENT		
	<p>heritage item, namely: Light horse Park (Item 70).</p> <p>The applicant has submitted a Statement of Heritage Impact that has identified that the proposal is acceptable in heritage terms, 'given the original elements identified as significant are to be retained'. (remnant c1868 brickwork to southern elevation and 1914 arcaded brick façade to Shepherd Street and the steel roof structure).</p>	
NOTIFICATION OF APPLICATIONS	The development application has been advertised in accordance with this component of the DCP. Submissions received during the exhibition periods are addressed later in this report.	Yes.

PART 1.2 – ADDITIONAL GENERAL CONTROLS FOR DEVELOPMENT		
CONTROLS	PROVIDED	COMPLIES
CAR PARKING & ACCESS	Controls for car parking and Access are outlined in the Part 4 – Development in the Liverpool City Centre.	Yes.
WATER CONSERVATION	Controls for Water Conservation are outlined in the Part 4 – Development in the Liverpool City Centre.	Yes.
ENERGY CONSERVATION	Controls for Energy Conservation are outlined in the Part 4 – Development in the Liverpool City Centre.	Yes.
WASTE DISPOSAL AND RE-USE FACILITIES	Controls for Waste Disposal and re-use Facilities are outlined in the Part 4 – Development in the Liverpool City Centre.	Yes.

PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
CONTROLS	PROVIDED	COMPLIES
BUILDING FORM		
BUILDING TO STREET ALIGNMENT AND STREET SETBACKS		

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PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
Street building alignment and street setbacks are to comply with Figure 3 which requires a 4 -4.5m landscaped setback to both street frontages.	Retention of heritage building façade to Shepherd Street dictates the setback on this street.  Blocks D, E, F & G areas are setback minimum 3m – 4.5metres to Atkinson Street and corner Shepherd Street with bin storage areas built to street alignment.	No.  Variation has been sought
STREET FRONTAGE HEIGHTS		
The street frontage height of buildings must comply with the minimum and maximum heights above ground level on the street front as shown in Figure 5 which requires a street frontage height to Shepherd Street and Atkinson Streets of 15-20m (5-6 storeys).	The proposal provides for a height of 10m-13m (2 - 4 levels) to both street frontages. However in accordance with subclause (3) of this section, the buildings have been designed in consideration of the scale and proposed re-use of existing heritage buildings.	Yes.
BUILDING DEPTH AND BULK		
500m <sup>2</sup> maximum floor plate sizes and depth of buildings above 25m in height for residential development.	No floor plates proposed above 25metres.	N/A.
Maximum 20% of total gross floor area of development permitted for areas above 25m in height.	No floor plates proposed above 25metres.	N/A.
BOUNDARY SETBACKS The minimum building setbacks are to comply with the following:		

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<b>PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE</b>		
Residential up to 12m in height: <ul style="list-style-type: none"> <li>- Habitable rooms: 6m side and rear setback</li> <li>- Non-habitable: 3m side; 6m rear.</li> </ul>	Buildings setback 6metres along south-western side having regard to the existing heritage façade and minimum 9metres and variable from the rear boundary (Georges River).	Yes.
Residential between 12 – 25m height: <ul style="list-style-type: none"> <li>- Habitable room: 9m side and rear</li> <li>- Non-habitable: 4.5m side; 6m rear.</li> </ul>	Not applicable.	N/A
<b>SITE COVER AND DEEP SOIL ZONES</b>		
<b>SITE COVER</b> The maximum site cover for development in residential zones is 50%.	Site Coverage (comprising buildings, driveways, parking , paths, bin & bicycle rooms) - 67%	No.  Variation has been sought
<b>DEEP SOIL ZONES</b> 15% deep soil zone plantings should be provided.	Deep soil zones - Proposed 3,152sqm, or 32%.	Yes.
<b>AMENITY</b>		
<b>FRONT FENCES</b> Front fences are to be designed to not present as a solid edge to the public domain.	Boundary fencing is proposed – combination of solid and palisade styles.	Yes.
<b>SAFETY AND SECURITY</b>  Ensure building design allows for passive surveillance.  Maximise the number of residential front door entries at ground level.  Provide entrances which are visually prominent positions.	Passive surveillance of internal areas provided by buildings overlooking ground level car park areas and pathways.  Predominantly buildings accessed via ground level.  Entrances designed as lobbies with visually prominent building elements.	Yes.

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PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
AWNINGS Weather protection to entrances is required.	Awnings proposed to entrances	Yes.
BUILDING EXTERIORS	Site designed in consideration of heritage items including provision of industrial type architectural language and re-use of truss elements throughout the design.	Yes.
CORNER TREATMENTS	Site designed in consideration of heritage items.	Yes.
TRAFFIC AND ACCESS		
ON SITE PARKING Car Parking For Residential Development: <ul style="list-style-type: none"> <li>- 1 space per 2 studio apartments;</li> <li>- 1 space per 1 or 2 bedroom apartments;</li> <li>- 1.5 spaces per 3 bedroom;</li> <li>- 1 space per 10 units for visitors</li> <li>- 1 space per 40 units for service vehicle</li> </ul>	<p>11 studios proposed (6 spaces required).  28 one bedroom and 53 two bedroom proposed (81 apartments) (81 spaces required).  10 three bedroom proposed (15 spaces required)  10.2 (11 spaces) required for visitors.  3 spaces required for service vehicles  Total Required: 116 spaces.  <u>Proposed 104 spaces.</u></p> <p>Traffic Report submitted refers to RMS "Guide to Traffic Generating Developments" as a more appropriate guide: <i>On this basis, the development would require 98 spaces (85 resident spaces, based on RMS guidelines, plus 13 spaces for visitors and service vehicles, based on DCP 2008).</i></p>	<p>No.</p> <p>Variation has been sought.</p>
1 motorcycle space per 20 car spaces (5.8 required)  1 bicycle space per 200m <sup>2</sup> (6,995m <sup>2</sup> GFA) = 34 spaces	<p>6 motorcycle spaces proposed.</p> <p>Bicycle storage proposed in secure storage areas. Total 28 spaces. The allocation of spaces is considered satisfactory despite the variation</p>	<p>Yes.</p> <p>Variation has been sought to bicycle storage.</p>
ENVIRONMENTAL MANAGEMENT		



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PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
ENERGY EFFICIENCY AND CONSERVATION New residential development is to comply with BASIX	BASIX certificates and report accompany the development application.	Yes.
WATER CONSERVATION New residential development is to comply with BASIX	BASIX certificates and report accompany the development application.	Yes.
REFLECTIVITY New buildings reduce glare, reflectivity new materials <20%, reflectivity if extensive glazing.	Re-use of existing brick facades, new solid material fc sheet, weatherboard, no extensive glazing.	Yes.
WIND MITIGATION	Building is less than 35m in height and potential to produce wind impacts through construction of towers is mitigated through low height multi building nature of proposal.	Yes.
NOISE	Site not located within an area identified as requiring a noise report or setbacks for noise (i.e. adjacent railway line or road).	Yes.
WASTE	Common waste bin areas provided to service each block	Yes.
FLOOD PLAIN AND WATER CYCLE MANAGEMENT	Habitable floor level at 500mm above 100 Year ARI (9.8 AHD). A minimum Finished Floor Level (FFL) of 10.3m AHD for all units is proposed.  No car parking areas are at a level below the 5% flood level (8.7 AHD).	Yes.
<b>CONTROLS FOR RESIDENTIAL DEVELOPMENT</b>		
6.1 Housing Mix		

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PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
<p>To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size:</p> <ul style="list-style-type: none"> <li>- studio and one bedroom units must not be less than 10% of the total mix of units within each development, - three or more bedroom units must not be less than 10% of the total mix of units within each development, and</li> </ul> <p>10% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents.</p>	<p>102 apartments proposed.</p> <p>28 x 1 bed 11 x studios = 38.2%.</p> <p>10 x 3 bed apartments = 9.8% (10%).</p> <p>10% of apartments are proposed to be adaptable.</p> <p>2 disabled parking spaces will be provided and access paths to the communal space will be suitable for disabled access.</p> <p>The proposed adaptable units are two ground floor 2 bed apartments in Blocks C, D, E and G and two 1 bed apartments in Block F.</p>	Yes.
6.2 Multi Dwelling Housing	This section applies generally to town houses (i.e. Stage 1 of the proposal).	Yes.
Facades and setbacks.	Townhouses within Stage 1 are setback behind the existing heritage façade to Shepherd St. Setbacks to adjoining blocks are provided at greater than 3metres.	
Units with ground level access: Private Open space ground-level area totaling 40 sqm.	The vast majority of the townhouses have less than the required 40m <sup>2</sup> . They range from 10m <sup>2</sup> upwards to 40m <sup>2</sup> .	No.  Variation has been sought
Communal open space	Communal open space provided adjacent Shepherd St and adjacent Georges River. Stage 1 townhouses overlook communal space adjacent Shepherd Street.	Yes.
Parking and driveways	The design of the development creates many parking areas. These are predominantly screened from view through use of landscaping.	Yes.
7. Controls for Special Areas		

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PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
7.1 Heritage and conservation areas	<p>The application includes an assessment of Heritage significance including submission of heritage reports:</p> <ul style="list-style-type: none"> <li>- Heritage Interpretation Strategy</li> <li>- Conservation Management strategy</li> <li>- Statement of Heritage Impact.</li> </ul> <p>Reports indicate proposal will not have significant impacts on heritage significance of the site.</p>	Yes.

**DCP Variations**

The assessment has identified a number of variations, namely:

**Street Setbacks**

**Comment:** Street building alignment and street setbacks are to comply with Figure 3 which requires a 4 -4.5m landscaped setback to both street frontages.

Blocks D, E, F & G areas however are setback minimum 3m – 4.5metres to Atkinson Street and corner Shepherd Street with minor bin storage areas built to street alignment.

The built form and alignment along Atkinson is the result of the massing and modulation created by the old Mill building. The development site occupies the entire length of Atkinson Street and therefore there is no possibility future development which might result in an inconsistent streetscape.

Given the above it is considered that the arguments proposed by the applicant can be supported in this particular instance.

**Site Cover**

**Comment:** The required maximum site cover is 50% whereas the development proposes 67%. As discussed previously in this report the development has sought to retain the existing concrete base of the industrial buildings for largely heritage and contamination reasons. This has resulted in on-grade parking and associated manoeuvring thus increasing the amount of impervious areas.

The applicant has provided an embellished common open space foreshore area. It is considered that attempting to achieve compliance would result in a reduction of unit yield and/or car parking which considering the arguments proposed by the applicant in the design philosophy is not supported and consequently a variation is reasonable in this particular instance.

**Car parking**

**Comment:** Under the DCP a total of 116 spaces are required however the development proposes 104 spaces: a variation of 12 spaces.

In support of the variation the applicant's traffic consultant requests that Council apply the Roads and maritime Services (RMS) "Guide to Traffic Generating Developments" as a more appropriate guide. The RMS guide is based on extensive surveys, and indicates that higher density residential

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development in subregional centres close to public transport should provide parking at a lower rate than Council's DCP. On this basis, the development would require 98 spaces (85 resident spaces, based on RMS guidelines, plus 13 spaces for visitors and service vehicles, based on DCP 2008).

The proposed variation is not considered minor however as discussed in this report the applicants design philosophy of providing an affordable housing product, together with the heritage constraints (and arguments against basement parking) result in a series of unique factors that prevent the provision of the additional on-grade spaces. Additional spaces could be provided however this would require encroachment into the common open space area fronting the foreshore and is not supported from an overall design perspective.

Given the above it is considered that the arguments proposed by the applicant can be supported in this particular instance.

**Bicycle parking**

**Comment:** A total of 34 bicycle spaces are required however 28 are provided. Given the minor nature of this variation and the fact a reduction in on-site parking has been supported it is recommended that the plans be amended to provide the necessary spaces (additional 6 spaces) and accordingly this is addressed in the conditions of consent.

**Private Open Space Courtyards**

**Comment:** The townhouses (stage 1) are required to provide 40m<sup>2</sup> of ground level private open space.

In support of the variation the applicant has argued that *"the need to maximise retention of the heritage fabric has limited the availability of area for ground floor courtyards. Most ground floor garden apartments achieve 25sqm. or more."*

*Large areas of the site are provided as communal open space, well in excess of Council's minimum requirements. These spaces are readily accessible to all residents and their visitors and meet the solar access controls of the DCP.*

*A total of 3,152sqm or 32% of the site is provided as deep soil lawn and garden area, defined as 'landscaped area' in LEP 2008. This exceeds the SEPP65 guideline of 25%. This is considered adequate given the need to retain the heritage structure on the site and leave areas of the soil in other parts of the site substantially undisturbed to cap contaminants".*

Given the above it is considered that the arguments proposed by the applicant can be supported in this particular instance.

**Section 79C(1)(a)(iia) - Any Planning Agreement or any Draft Planning Agreement**

No planning agreement relates to the site or proposed development.

**6.4. Section 79C(1)(a)(iv) – The Regulations**

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

**6.5. Section 79C(1)(b) – The Likely Impacts of the Development****(a) Natural and Built Environment**

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The introduction of residential development in this area will be met with some initial opposition as it does not reflect the historic industrial land use of the area. This section of Shepherd Street is now zoned high density residential and the proposal is therefore considered consistent with the long term future character of the locality.

A primary issue in the design of the development was the heritage significance of the site and the applicants Heritage Consultant has provided justification against an increased density (which would necessitate basement parking) on the following basis.

*'From a heritage perspective, we would be very concerned if such a proposal generated support for any of the parking to be located below the retained historic building. To attempt to do so would generate a requirement for the temporary stabilization and support of the existing structure, at great cost and potential risk to the historic structural integrity.*

*We are also concerned that the additional cost of underground parking would generate a capital cost/feasibility framework that called for a much larger development project to sustain the additional costs'.*

This view is generally supported by Council's Heritage advisor who has stated that *'The proposed adaptive reuse allows for the retention of significant fabric and interprets the industrial form of the extant structures in the new buildings, which is very positive from a heritage perspective.*

*Further, the use of industrial forms, materials and colours respect the significant industrial history of the place and are also supported from a heritage perspective. Generally, this type of considered, architecturally designed response to development in the heritage context is what I would like to encourage in our LGA'.*

*It is dynamic yet sympathetic and I hope that this development will be a benchmark for adaptive reuse locally and set a precedent for the type of design quality that Council expect in the heritage context."*

Council's Heritage Advisor also raised concerns about the subdivision of the site; and requested information regarding a Time Capsule that was apparently located onsite. In respect of the subdivision of the land the proposal was modified from 3 lots to 2 lots and the applicant has advised that *"as detailed in the Letter from Graham Brookes and Associates the remnant land parcel on which the proposed development is sited is the outcome of over 200 years of progressive subdivision from the original 1804 land grant of 400 acres beside to Georges River to Eber Bunker.*

*The north east corner of the original grant, in which the subject site is situated, progressively became the "industrial hub" of the overall estate. This precinct has been progressively subdivided over time. The most recent changes to the subject site include provision for the construction of Shepherd Street and the excision of the land to the immediate south of the retained industrial building. With this extensive history of subdivision of the site they conclude that there can be no valid heritage concerns about the proposed further subdivision".*

Investigations into the existence of a Time Capsule by the applicant lead them to conclude that the *"time capsule is more likely to be located on the adjacent site. However, if it is discovered during construction the Applicant we would liaise with Council's heritage officer to arrive at a mutually acceptable management strategy".*

The design creates an activated common area adjoining the Georges River and a Crime Prevention Through Environmental Design (CPTED) assessment of the development was carried out and referred to the NSW Police who raised no objections. The design allows for active and passive overlooking of the adjoining foreshore and public areas providing opportunities for surveillance

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throughout the site.

The north-eastern corner of the site is affected by flooding however the application provides for a compensatory flood storage area to mitigate adverse flooding impacts.

Finally the site has been identified as containing known contaminants within the soil that could impact upon the groundwater and a Remediation Action Plan (RAP) will be required to make the site suitable for residential use. The reports submitted demonstrate that remediation is possible and consequently the redevelopment will improve and provide further protection to the groundwater thus reducing the potential for contamination leaching into the Georges River.

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

The development is considered beneficial as it promotes high density residential development within the city centre. The proposed density, whilst not achieving the floor space ratio or height allowed under the LEP 2008 is responsive to the heritage value of the old Mill building and the design is sympathetic to the historical industrial fabric of the locality. Also the decision not to excavate the site and provide a higher density is in part, due to the heritage significance but also in recognition of the need to provide affordable dwellings.

**Liverpool Contributions Plan 2007 (Liverpool City Centre)**

The Liverpool Contributions Plan 2007 provides information on the extent of anticipated new development, the extent of new public services and amenities needed to support the new development and the contributions that the new development must make to fund the public services and amenities.

The development will generate additional demand as follows:

<u>Facilities</u>	<u>Amount (\$)</u>
Central Library Extensions	\$9,288
Whitlam Centre Extensions	\$6,860
District Community Facility upgrade (Central area)	\$8,855
Woodward and Collimore Parks	\$41,672
Georges River Foreshore	\$291,707
Bigge Park	\$62,509
Pioneer Park	\$62,509
Access – car parks, bridge link, bus priority	\$0
<b><u>TOTAL</u></b>	<b><u>\$483,400</u></b>

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

The site and locality are identified for future high density urban development. This section of Shepherd Street whilst currently industrial will eventually undergo urban renewal. The site has



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heritage considerations and due to the past industrial activities the site has known contamination issues which can be remediated to a level that allows for residential development. In respect of remediation, an assessment of the findings has been discussed earlier in the report.

Apart from these matters however there are no other noticeable constraints and the site is relatively level, with no significant vegetation and easy access.

The proposal is generally compliant with the provisions of LEP 2008 and DCP 2008 as outlined in the report. The identified variations have been considered and are supported as they do not result in any long term adverse impacts. Overall the development is considered to satisfy the relevant controls for site selection.

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

##### (a) Internal Referrals

Comments received from internal departments as part of the assessment process are appended to this report.

##### (b) External Referrals

DEPARTMENT	COMMENTS
Roads and Maritime Services	Satisfactory. No conditions imposed.
NSW Office of Water	General Terms Of Approval issued. A Vegetation Management Plan will be required.
NSW Police	No objections. CPTED Assessment considered satisfactory.
NSW Rural Fire Service	Satisfactory. Bushfire Safety Authority issued without conditions.

##### (c) Community Consultation

In accordance with Liverpool Development Control Plan 2008, the application was advertised for thirty days between 4 April 2012 and 9 May 2012 and five submissions were received. The issues raised in the submissions, and a response to each, are summarised below:

**ISSUE 1:** The proposal is a departure from the original proposal by Council that involved a single development for Shepherd Street. A single development will provide a better outcome for current landowners and business operators.

##### Comment:

It would appear that at one time there was an intention to develop a concept plan for the redevelopment of Shepherd Street. Council's DCP (Part 4 – Section 1 Background) states that in respect of residential areas in the City Centre *“the industrial area on Shepherd Street (at the southern extremity of the city centre) will be rezoned to accommodate residential development and*

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*a concept plan will be prepared for the site. Planning controls have been reviewed to assist these outcomes”.*

It is understood from discussions that there were a number of meetings or similar some 3 – 4 years previous but nothing appears to have been translated into the current controls. It is not specifically stated that any development must comprise a single proposal. Rather the controls imposed in the DCP are seen as allowing for consistency in development in this area.

The development has been designed having regard to the current controls and on this basis the concern raised does not warrant an amendment or refusal of the application.

**ISSUE 2:      A single development for Shepherd Street would allow for the relocation of the current street to under an easement running parallel to the west (adjoining the rail corridor)**

**Comment:**

The previous discussions regarding a single development included the relocation of the Shepherd Street to under an easement running parallel to the west. This would increase the value of the objectors land and improve development potential. As with the previous Issue it is not questioned that meetings occurred however the concept was never formalized. The question regarding the suitability of a single large development site is therefore not considered relevant to the current application.

**ISSUE 3:      Application should not proceed and Council recommence meetings to redevelop the street as a single development.**

**Comment:**

According to the objector Council was heavily involved in discussions and options for redevelopment. It is not clear what the final outcomes of the meetings were however it is not considered reasonable to now defer or refuse the current application on this basis.

**ISSUE 4:      Residential and Industrial Land uses are incompatible.**

**Comment:**

This issue is related to Issue 1 above in that a single development would remove potential for noise and traffic conflicts between residential and industrial land uses.

It is recognized that during the transition period (as the area is converted from light industrial to residential) there is potential for some amenity issues to arise. This scenario is common at the interface of different land-use boundaries and is an expected outcome, however it is considered that it can be managed for example, through the application of various legislation (Protection of the Environment Operations Act) dealing with noise and odour.

**ISSUE 5:      Objection to the demolition of the old Mill Building.**

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**Comment:**

The Liverpool and District Historical Society has voted to object to the demolition of the building as it 'represents part of the history of Liverpool's long association with industry on this site'. The Society however also requests that if Council is to approve the application that it endorses the interpretation strategy carried out and that a copy is placed in the Council's Library and Society's archives.

Council's heritage advisor has endorsed the applicant's interpretation strategy and the request for copies of the report to the Council's Library and Society's archives is considered reasonable.

**6.8. Section 79C(1)(e) – The Public Interest**

The application has considered the applicable controls and responds sympathetically to the industrial heritage fabric of the site. The submissions received do not identify any issues that impact upon surrounding residential properties or result in long term adverse impacts. The assessment demonstrates that the proposal is suitable for site and on balance is in the public interest.

**7. CONCLUSION**

The application is for an adaptive reuse of an existing industrial site for multi-unit residential purposes. The application is accompanied by a number of specialist reports which have identified issues in respect of heritage, contamination and flooding and traffic. There are a number of minor numerical non-compliances however none of these matters are considered to be of such significance to warrant refusal of the application.

**8. ATTACHMENTS**

- 8.1. Plans of the proposal**
- 8.2. Comments from internal departments**
- 8.3. Recommended conditions of consent**

# ATTACHMENTS