



**Office of the Director General**

Mr Steven Chong  
A/Manager Statutory Planning  
Liverpool City Council  
33 Moore Street  
Liverpool NSW 2170

13/10326

Dear Mr Chong

I refer to your email of 18 June 2013 concerning design excellence of the proposed residential flat development at 34-40 Hume Highway Warwick Farm DA-189/2013.

On 8 December 2012 I confirmed that the proposal achieves design excellence, and gave concurrence for a 10% design excellence FSR bonus.

I understand that during the assessment of the DA for this development Council has determined that the FSR should include the floor area of the enclosed balconies on the Hume Highway frontage. The proponent calculated that the FSR as 3.85:1 which is the permissible FSR plus a 10% bonus for design excellence. Inclusion of the enclosed balcony floor area results in an FSR of 4.2:1.

I understand that Council has received legal advice to the effect that the applicant can request the additional FSR over and above the design excellence bonus under clause 4.6 of the Liverpool Local Environmental Plan 2008, which deals with exceptions to development standards.

Having reviewed the proposal in the light of these issues, the development is the same as the one I considered and gave concurrence to on 8 December 2013. I can confirm that design excellence is not affected by the technical non-compliance with the FSR control.

Should you have any further enquiries about this matter, I have arranged for Elisabeth Peet, Team Leader Urban Design, Centres and Urban Renewal of the Department of Planning and Infrastructure to assist you. She can be contacted on telephone number 9228 2057.

Yours sincerely

  
Sam Haddad  
**Director General**

4/7/2013 .