

JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2014SYW163
DA Number	DA-1010/2014
Local Government Area	Liverpool City Council
Proposed Development	Partial demolition of the existing heritage building known as the 'former Challenge Wollen Mills'; removal of existing car park; tree removal; site remediation; the construction of two residential flat buildings ranging from 5 to 16 storeys and containing a total of 250 residential apartments (5 X studios, 69 X 1 bedroom, 160 X 2 bedrooms and 16 X 3 bedrooms, inclusive of 25 adaptable units), two levels of basement parking; landscaping and associated site works.
Street Address	20 Shepherd Street, Liverpool
Applicant/Owner	Applicant - Coronation Property Group Owner – Shepherd Street Developments Pty Ltd
Number of Submissions	One submission
Regional Development Criteria (Schedule 4A of the Act)	The proposal has a capital investment value of over \$20 million, the Joint Regional Planning Panel is therefore the determining authority.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i> <ul style="list-style-type: none"> • 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 (State and Regional Development) 2011. • 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. • <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i> <ul style="list-style-type: none"> • Draft Liverpool Local Environmental Plan 2008 Amendment No. 52 • <i>List any relevant development control plan: s79C(1)(a)(iii)</i> <ul style="list-style-type: none"> • Liverpool Development Control Plan 2008.

	<ul style="list-style-type: none"> - Part 1 – General Controls for all Development. - Part 4 – Development in the Liverpool City Centre. <ul style="list-style-type: none"> • <i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i> <ul style="list-style-type: none"> • No planning agreement relates to the site or proposed development. • <i>List any coastal zone management plan: s79C(1)(a)(v)</i> <ul style="list-style-type: none"> • The subject site is not within any coastal zone management plan. • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> • Consideration of the provisions of the Building Code of Australia.
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Architectural Plans, prepared by Woods Bagot • Landscape Plans, prepared by Aspect • Landscape Report, prepared by Aspect • Acoustic Report, prepared by Wood and Grieve Engineers • Stormwater, Flooding and Engineering Response, prepared by Northrop • Stormwater Management Report and Concept Stormwater Management Plan, prepared by Northrop • Waste Response, prepared by MRA Consulting • Submission • Clause 4.6 Variation Written Justification to FSR • Clause 4.6 Variation Written Justification to Height • Building Height Strategy • Clause 4.6 Variation to Building Foreshore Line • Clause 4.6 Variation to Building Separation • Design Review Panel Report • Heritage Impact Assessment • Schedule of Conservation Works & Heritage Specifications • Applicant response to issues raised • Riparian and Fisheries Assessment • NSW Fisheries comments • NSW Office of Water comments • Sydney Water comments • Remediation Action Plan
Recommendation	Approval
Report by	Nabila Samadie
Report date	28 September 2015

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

Sydney West Joint Regional Planning Panel is the determining authority as the Capital Investment Value of the development is over \$20 million, pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979.

1.2 The proposal

Partial demolition of the existing heritage building known as the 'former Challenge Wollen Mills'; removal of existing car park; tree removal; site remediation; the construction of two residential flat buildings ranging from 5 to 16 storeys and containing a total of 250 residential apartments (5 X studios, 69 X 1 bedroom, 160 X 2 bedrooms and 16 X 3 bedrooms, inclusive of 25 adaptable units), two levels of basement parking; landscaping and associated site works.

The proposal is identified as Nominated Integrated Development, requiring approval from the NSW Office of Water pursuant to the Water Management Act 2000.

1.3 The site

The subject site is known as Lot 1 in DP 247485, 20 Shepherd Street, 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:

- Potential for the adaptive re-use of the heritage item
- Maximum building height variation
- Bulk and Scale
- 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) - setbacks, building depth and bulk and scale
- Deep soil landscaping over basement area
- Salinity
- Excavation
- Overshadowing
- Contamination

1.5 Exhibition of the proposal

The development application was advertised for a period of 40 days (Christmas period) between 10 December 2014 and 19 January 2015 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008).

The latest amended information required re-notification of the development for a period of 14 days between 26 August 2015 and 10 September 2015. One submission was received during both times of public exhibition. The issues raised within the submissions are discussed further within the report.

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&AA) 1979. Based on the assessment of the application and the consideration of the written requests to vary development standards, it is recommended that the application be approved subject to the recommended conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as Lot 1 in DP 247485, known as 20 Shepherd Street, Liverpool. An aerial photograph of the subject site is provided below.



Figure 1: Aerial photograph of the site and surroundings – Source: Eview



Figure 2: Aerial photograph of the site – Source: Eview

The site is irregular in shape with a total area of 9873m². The site has two street frontages, with the primary frontage being to Shepherd Street (measuring 68 metres), and a secondary frontage to Atkinson Street (measuring 72 metres).

The site currently contains a disused industrial warehouse building and associated hard stand carparking and is a listed heritage item of local significance 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 3 to 8 below.



Figure 3: Birds eye view of the site (prior to the recent works undertaken) – Source Eview



Figure 4: Front of the site from Shepherd Street (works in progress)



Figure 5: Side of the site from Shepherd Street (works in progress)



Figure 6: Front of the site from Shepherd Street (post recent works)

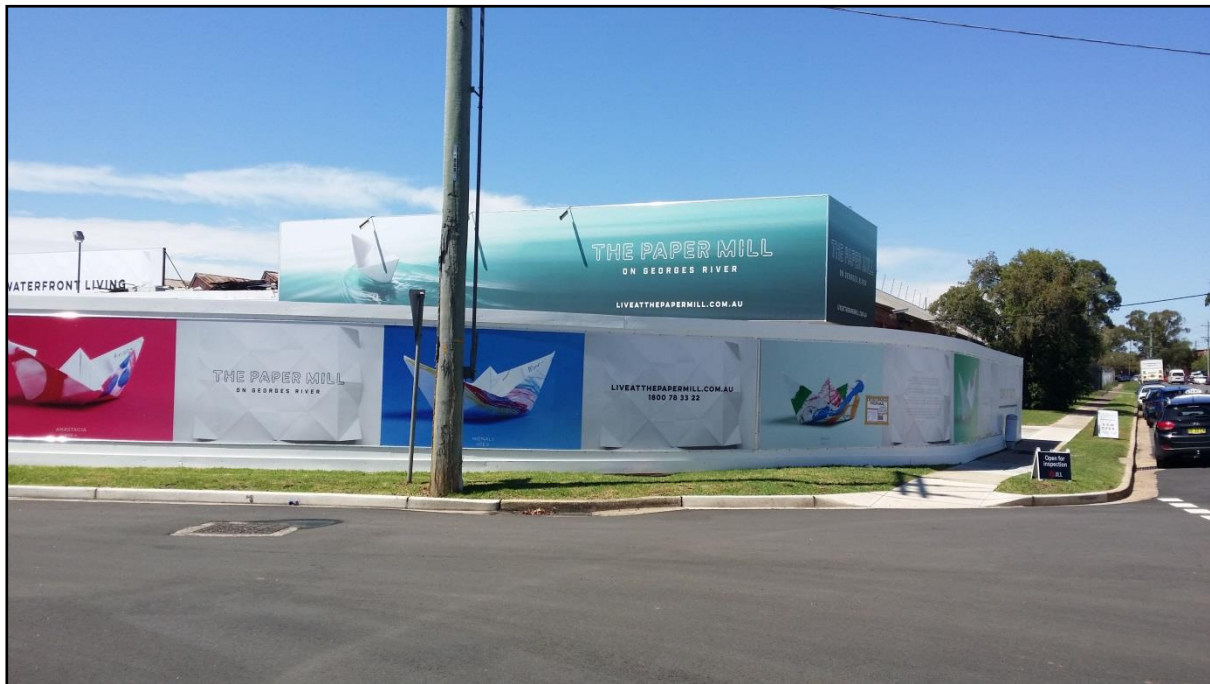


Figure 7: Corner of the site from Atkinson Street (post recent works)



Figure 8: Corner of the site from Shepherd Street (post recent works)

Note: The works which were recently undertaken were subsequently granted approval under BC-22/2015, approved on 15 April 2015. The use of the exhibition home was subsequently granted consent under DA-1011/2014, approved on 9 April 2015.

2.2 The locality

The subject site is located at the south-east corner of Shepherd Street and Atkinson Street. The site is located:

- 910 metres south of the Liverpool Railway Station and Transport Interchange;
- 2 kilometres north of the Casula Powerhouse;
- 560 metres south of Lighthorse Park; and
- 320 metres north of the riverfront Mill Park.

To the northern side of the site, there are three storey residential flat buildings with at grade parking. These buildings form part of a residential precinct. East of the site is the Georges River. Existing shrubs and plants are located within the riverfront land between the 20 Shepherd Street site and the river.

To the south of the site is an industrial building. To the west of the site, opposite Shepherd Street, are lower scale industrial sites between Shepherd Street and the railway line. The subject site is currently unused, with its most recent use being an industrial development. The site comprises a locally heritage listed former Woollen Mill building. The building has been subject to a number of additions and alterations.

Along the river foreshore line is predominantly overgrown vegetation. Along the North of Atkinson Street, the river foreshore widens. The riverfront is densely vegetated and a footpath connects Atkinson Street northward to Lighthorse Park. The site gently slopes downward from the west of the site toward the north-east corner.

2.3 Site affectations

The subject site has number of constraints, which are listed below:

Heritage

The subject site is listed as a local heritage item under Part 1 of Schedule 5 of the Liverpool Local Environment Plan (LLEP) 2008. The site relates to the 1914 building known as the "McGrath Services Centre Building" which was formerly the Challenge Woollen Mills and the Australian Paper Company's Mill (item no. 104). The site is situated directly opposite "Light Horse Park" in Atkinson Street and extends along the Georges River towards Newbridge Road (item no. 70). The subject site is also in close proximity to a Railway Viaduct along Shepherd Street, Mill Road and Main Southern Railway Line (item no. 105). A historic photograph of the site is shown below:

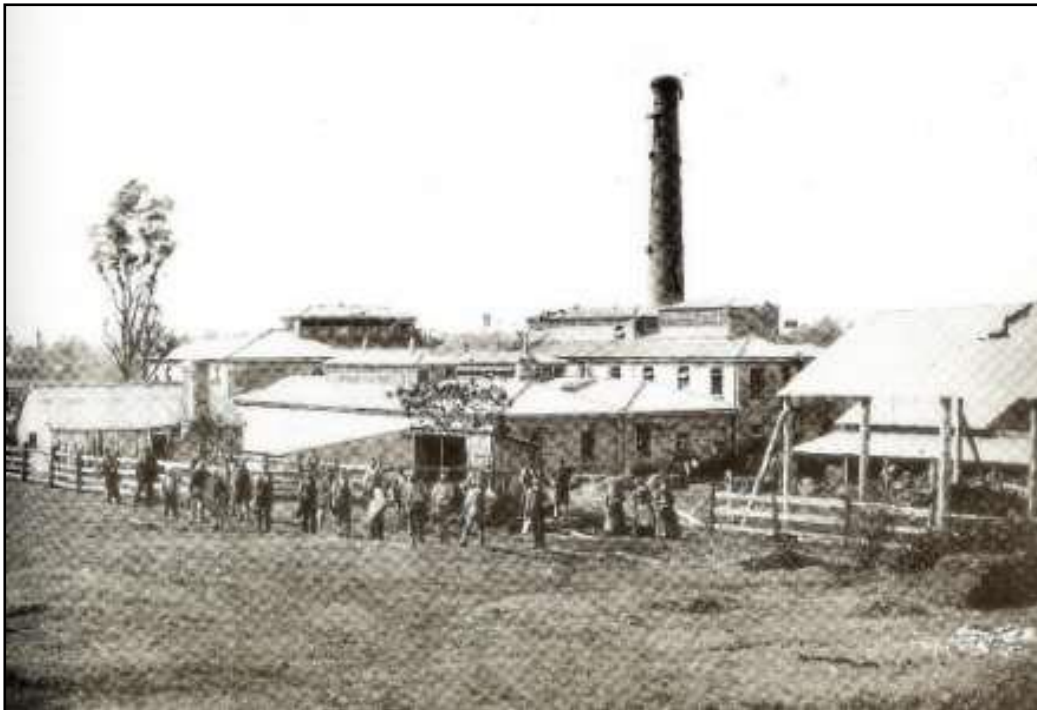


Figure 9: Historic Photo of the site – Source: City Plan Heritage Pty Ltd

Flooding

The proposed development is located on flood prone land. A Flood Impact Assessment has been submitted which includes an outline of the proposed flood mitigation measures proposed as part of the development.



Figure 10: Flood map – Source: Eview

Foreshore building line

The river front of the site is affected by the foreshore building line which is approximately setback 30m from the top of the regular river embankment. It is noted that the boardwalk no longer forms part of this proposal, with the proposal amended to only apply to the proposed development at 20 Shepherd Street, Liverpool. This matter is further discussed in this report.



Figure 11: Foreshore building line – Source: Eview

Acid Sulphate Soil

The subject site is located within a 'Class 5' Acid Sulphate Soil Zone. Accordingly, a Geotechnical Assessment has been submitted, which confirms no special building measures are required as the proposal will not be substantially affected by Acid Sulphate Soils.



Figure 12: Acid Sulphate Soil map – Source: Eview

Environmentally significant land (ESL)

The subject site contains ESL along the Georges River frontage extending approximately 6 metres from the site boundary.



Figure 13: Environmentally Significant Land map – Source: Eview

Bushfire

The subject site was previously located within a Bushfire buffer zone, however this affectation is no longer applicable to the subject site as of 2015 (based on updated 2015 bushfire mapping available to Council). Notwithstanding this, a Bushfire Hazard Assessment has been submitted with the application, which is considered acceptable.

3. BACKGROUND

3.1 Issues Identified in Initial Assessment

Council sought further information and clarification regarding the following items on 20 January 2015:

- Heritage site, adaptive reuse of existing heritage building
- Building height variation
- Bulk and Scale
- 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) - setbacks, building depth and bulk and scale
- Deep soil landscaping over basement area
- Salinity
- Excavation
- Visual impacts particularly to the river
- Overshadowing
- Broad walk (Office of Water matters)

Additional information has been submitted in response to the request for information, which is considered to have adequately addressed the matters raised.

3.2 Related applications

a) Development Application 20 Shepherd Street, Liverpool

The use of the exhibition home was subsequently granted consent under DA-1011/2014, approved on 9 April 2015. A section 96 modification application to add a second display unit was also approved on 1 July 2015.

Unauthorised works which took place in relation to the exhibition home were subsequently granted consent under BC-22/2015, approved on 15 April 2015.

b) Development Application 28 Shepherd Street, Liverpool

A Development Application has been lodged for the demolition of existing structures on site and construction of a 169 unit residential development across two buildings, with two levels of basement car parking and communal open space at ground-level and roof terrace. This application is currently under assessment with Council and is required to be determined by the JRPP.

c) Planning proposal

A Planning Proposal (PP) was lodged on 11 September 2015 seeking an amendment to the LLEP 2008 to allow for:

- A maximum building height of 100m at 20 Shepherd Street, 80m at 28 Shepherd Street, and 100m at 31 and 33 Shepherd Street; and
- A maximum floor space ratio of 4:1 at 20 Shepherd Street and 4.5:1 at 38, 31 and 33 Shepherd Street.

This PP has yet to be assessed by Council and publicly exhibited.

3.3 Design Review Panel Briefing

The subject application was considered by the Design Review Panel (DRP) on 31 May 2015 (see attached DRP minutes). The main outcomes from consideration by the DRP are summarised below:

“In the absence of comprehensive background explanation which should have included a documented urban design study, the Panel considers that the current application is premature, and that a satisfactory development application for the subject site would have been expedited by pre-DA discussion of non-compliances.

Notwithstanding the highly-detailed nature of the current development proposal, the Panel has concluded that satisfactory design quality has not been achieved in relation to the following:

- *Primarily, in terms of significant principles which are specified by SEPP No 65 with regard to context, scale, built form, landscaping and amenity;*
- *Secondly, in relation to statutory considerations that is specified by the Liverpool LEP 2008 (LLEP) in relation to design excellence and maximum building height.*
- *The Panel's critical concerns relate to the following considerations which arise from SEPP No 65 and the LLEP:*
- *Building forms that achieve an "appropriate transition" in terms of scale, and with regard to both existing and future buildings;*
- *Configuration of buildings to ensure that public areas within the proposed development would receive "satisfactory sunlight";*
- *Location and arrangement of apartments, buildings and open spaces in order to optimise amenity for residents and visitors;*
- *Development application documents which do not provide comprehensive or compelling justifications for the proposed departures from state and local controls.*

Due to the extent of these concerns, the Panel recommends extensive reconfiguration of the current development proposal with guidance by a comprehensive urban design analysis of the site and its immediate surroundings.”

Following receipt of this advice, the applicant attended several meetings with Council staff including the City Architect Jan McCredie, who provided further advice and recommendations to address the concerns raised by the DRP and satisfy SEPP 65 principles. The applicant subsequently submitted additional information to address these concerns.

An assessment against SEPP 65 is detailed later within the report.

Note: On 24 March 2015, Council resolved to adopt the Liverpool Design Excellence Panel (DEP) Charter and Procedure. This required Council to subsequently replace the previous DRP with the newly appointed DEP. It was consequently considered unreasonable to

present the amended plans to the DEP, given that the DRP had initially reviewed and commented on the application. Alternatively, Council's City Architect has provided advice in relation to the amended plans and supports the proposed development subject to conditions of consent.

3.4 JRPP Briefing

A briefing meeting was held on 25 February 2015. The main outcomes of the briefing meeting with the JRPP are summarised below:

- Heritage preservation incentives
- Spatial relationship between buildings
- Massing context
- Connection between heritage and the river - circulation space, passive landscape character.
- DRP comments about transferring height over to the shorter building
- The clause 4.6 variation needs to concisely address heritage and height in the context of immediate site, local and broader locality

Amended Documentation and Design

In response to the concerns and additional information requested by Council, the applicant amended the development application on 14 April 2014 as follows:

- The separation between Buildings A and B has been increased to generally 12-15 metres;
- Building B is setback to align with the southern wall of the heritage building, and be at least 6 metres from the southern side setback;
- The northern façade of Building A has been redesigned to provide relief to the strong horizontal elements through double height planter areas across the podium;
- The internal circulation within Building B has been enhanced through the introduction of double height atria adjacent to the lift core and overlooking the river; and
- The landscape plan has been amended to encourage pedestrian connectivity and a visual connection between the Woollen Mills building and the river, and the incorporation of heritage building elements in the landscaping to be visible from the foreshore.
- It is also noted that the proposed works (boardwalk) at 2 and 5 Atkinson Street are now excluded from the Development Application and no longer form part of the proposed development.

The following information was also submitted to Council on 29 May 2015 in response to Council's issues raised initially.

- An amended Remediation Action Plan;
- Heritage Architectural Plans for the Woollen Mills building;
- A Statement of Heritage Impact;
- A Conservation Management Plan;
- An Urban Design Study;

The figures below identify the main physical amendments to the proposal.



Figure 14: View of Building A from Atkinson Street (Northern elevation)

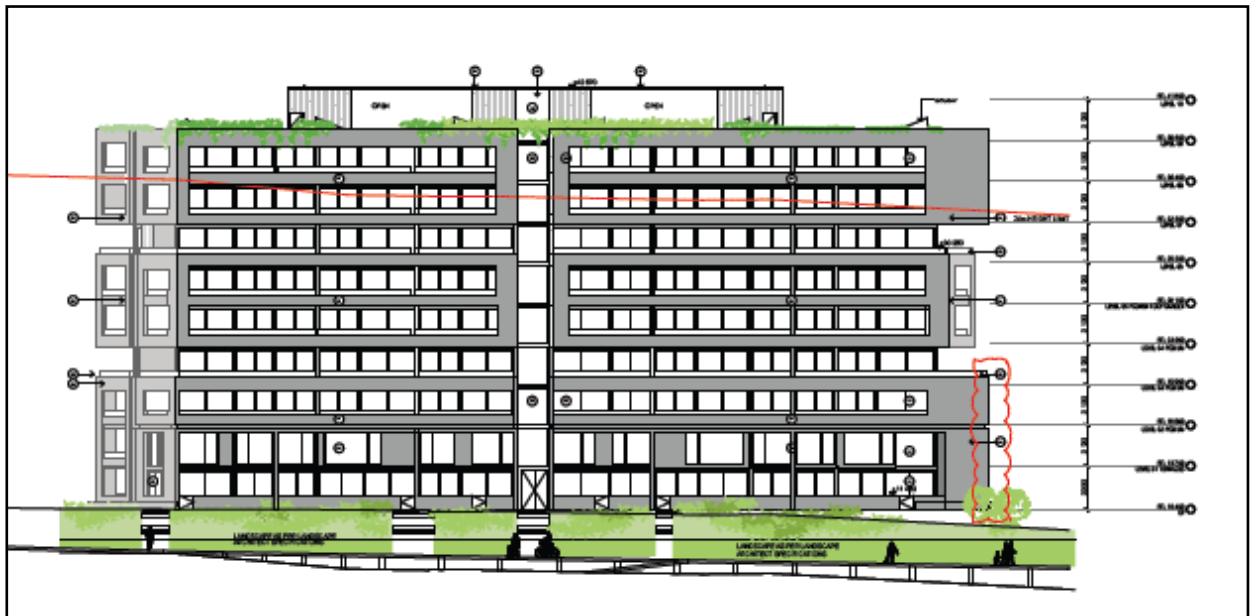


Figure 15: View of Building B from Georges River



Figure 16: View from Shepherd Street

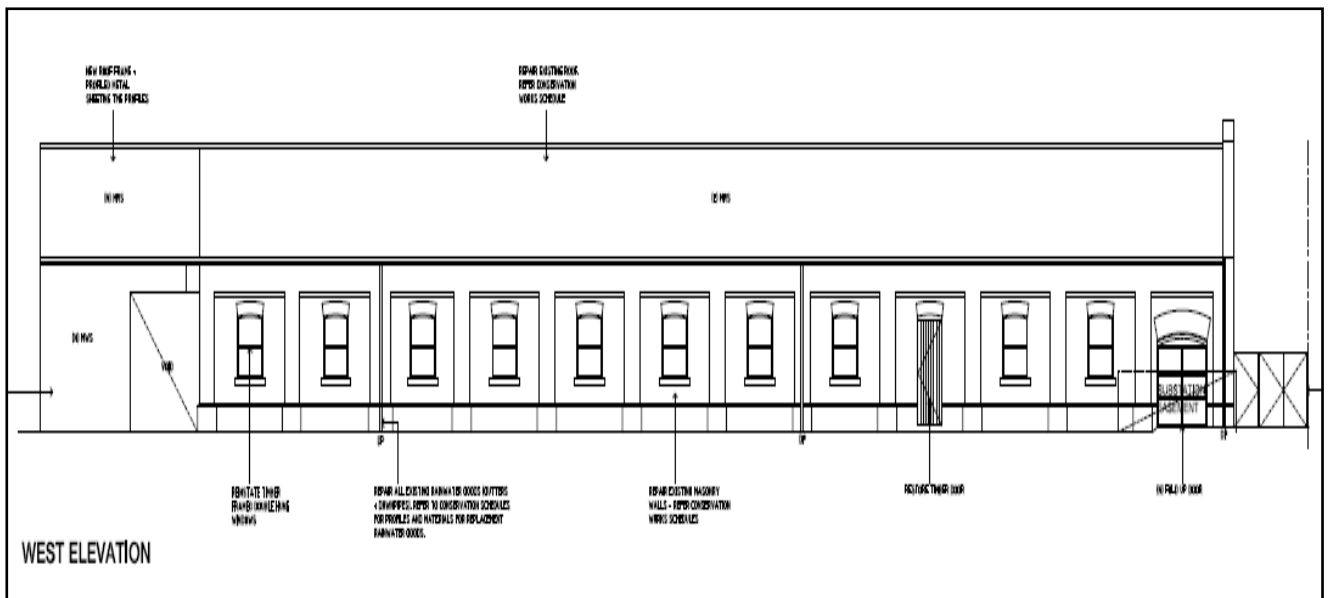


Figure 17: View of Woollen Mill from Shepherd Street



Figure 18: Proposed site plan



Figure 19: Proposed landscape plan

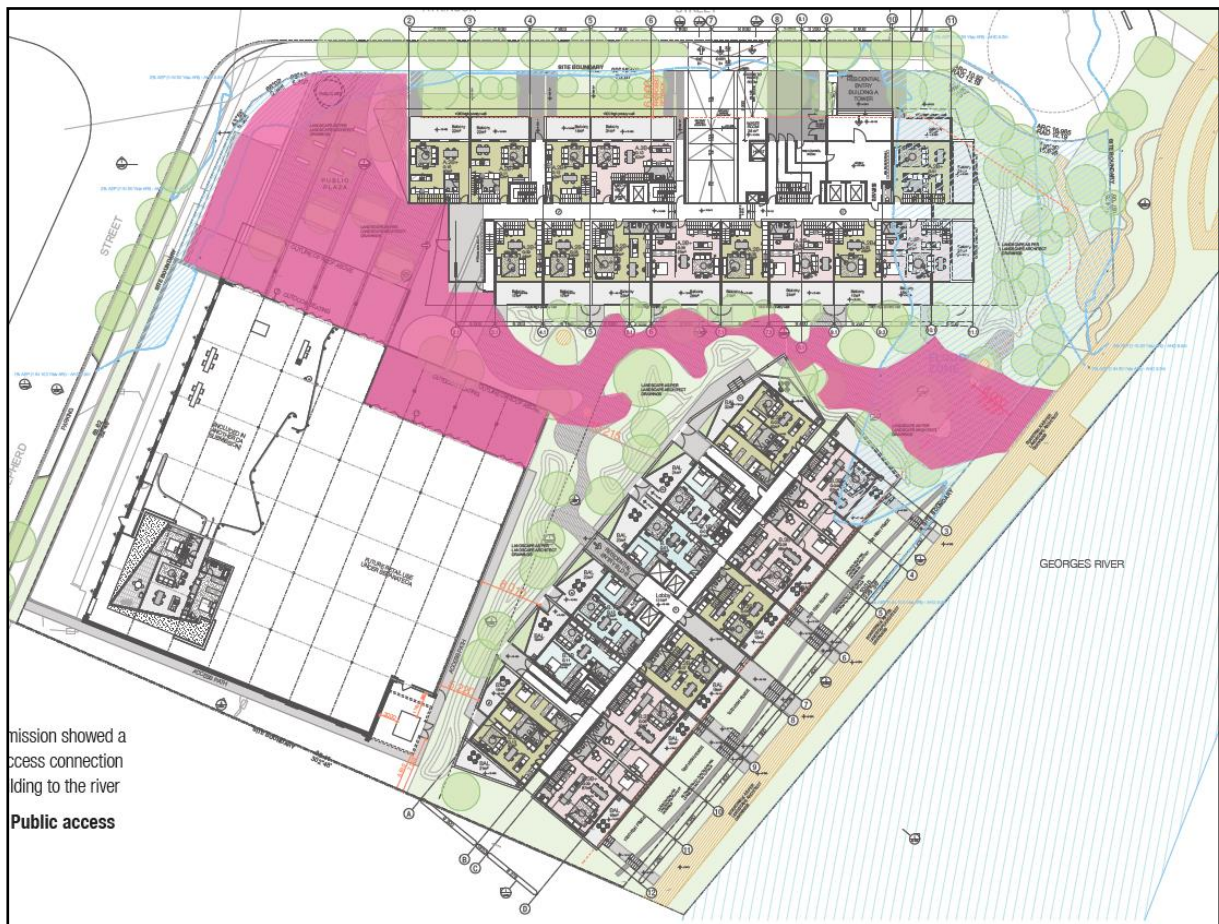


Figure 20: Public Access in original scheme – Source: Woods Bagot

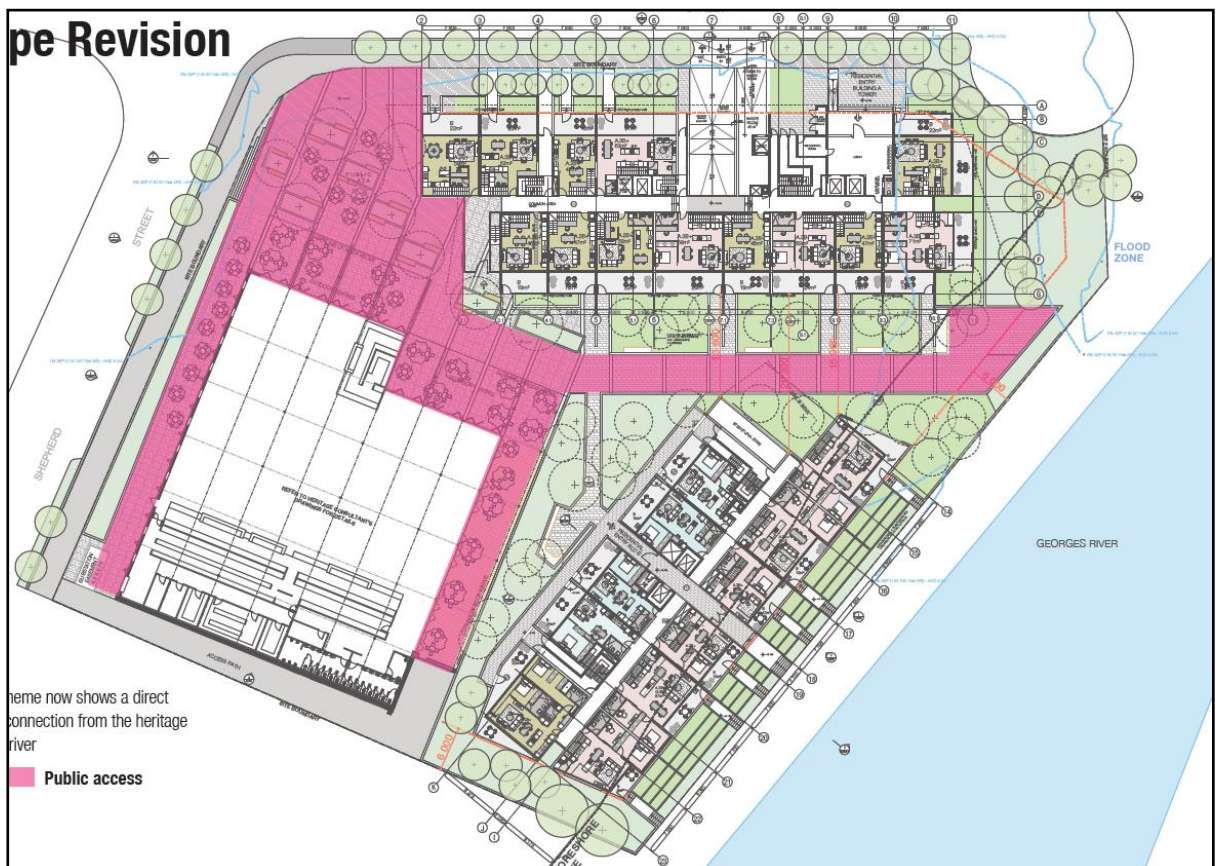


Figure 21: Public Access amended scheme July 2015 – Source: Wood Bagot

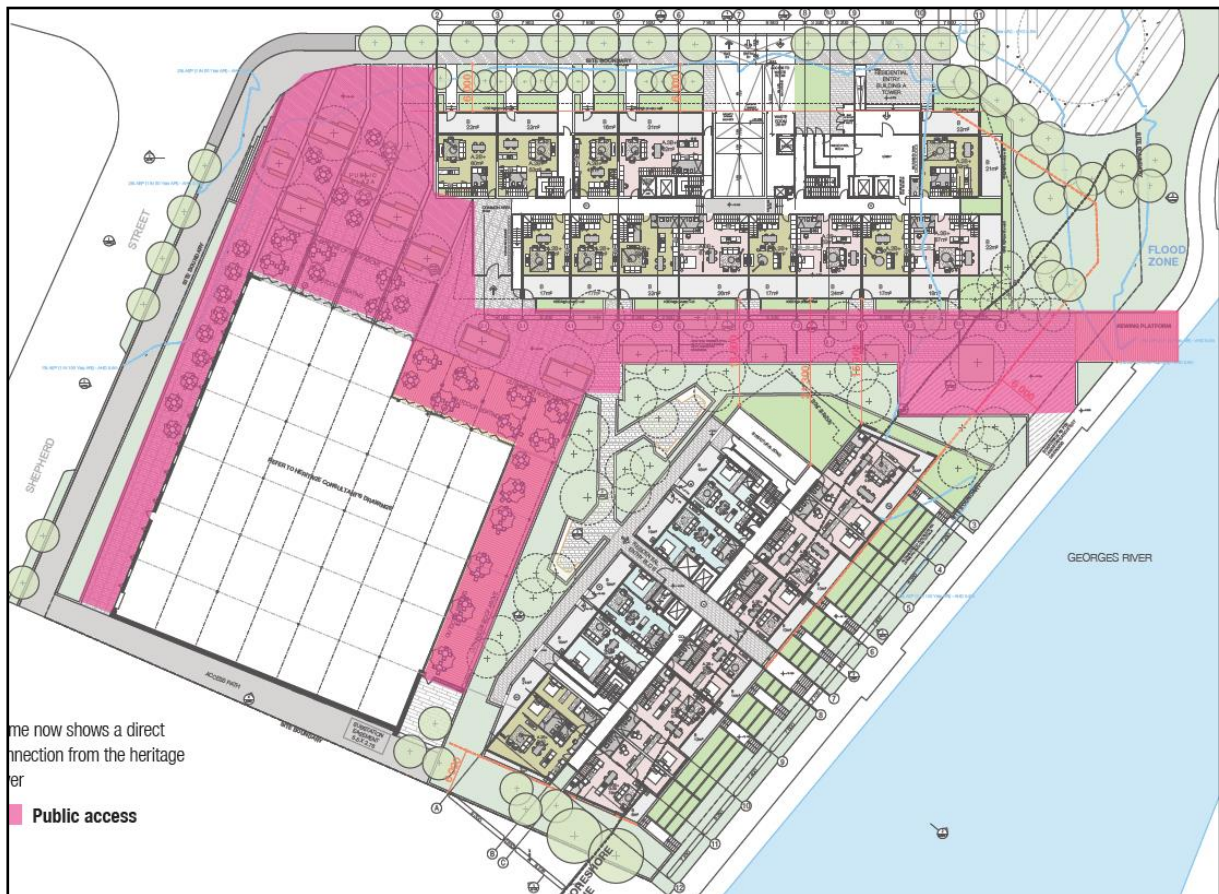


Figure 22: Public Access amended scheme August 2015 – Source: Wood Bagot

4. DETAILS OF THE PROPOSAL

Development consent is sought for:

- Partial demolition of existing structures (relating to the works undertaken to convert the building to a display suite/exhibition home);
- Construction of two residential towers ranging in height from five to 16 storeys above two basement parking levels;
- Site landscaping works including construction of a publicly accessible forecourt at the corner of Shepherd Street and Atkinson Street, and communal open space works;
- Remediation of the site to make it suitable for residential uses;
- Associated site works including site drainage and services infrastructure.

The following elements of the Woollen Mill are required to remain in-situ during construction works and must not be damaged:

- Roof framing trusses, metal roof sheeting and translucent roof glazing.
- External masonry walls to the South and West.
- Joinery doors, frames and trims.

Steel trusses from the removed portions of the heritage building will be reused as framing elements to anchor the public access corridor to the river. They will be supported by structure within weathered steel planter boxes at the base with intensive plantings. Trees will be planted within the path to grow freely through the truss elements. Conceptually, the triangle form is repeated through the site to link with the exposed trusses of the remaining heritage building.

The landscape design has been reconfigured to follow the linear nature of the heritage building (refer to revised landscape drawings). Building B has been setback 6m on the south to align more consistently with the edge of the heritage building.

Communal open space is proposed at grade and on the podium level of Building A, which will include a swimming pool, landscaping and a BBQ area.

The development proposes a total of 250 apartments, with 313 car parking spaces, the units mix includes:

- 5 x studio apartments
- 20 x 1 bedroom apartments
- 49 x 1 bed + bedroom apartments
- 10 x 2 bed bedroom apartments
- 150 x 2 bed + bedroom apartments
- 16 x 3 bed + bedroom apartment
- 25 accessible parking spaces will be provided

4.1 History

On 19 February 2013, consent was granted to a redevelopment of the subject site under DA 862/2012). This DA was approved by the JRPP, and was for the:

“Adaptive reuse of a heritage item (Mcgrath Service Centre Building) for residential development comprising:

- *Demolition and removal to the warehouse building;*
- *Construction of 102 residential apartments;*
- *104 parking spaces;*
- *Associated landscaping, infrastructure, stormwater and utility works; and*
- *Land subdivision into two lots.”*

This consent has not been activated.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.65 – Design Quality of Residential 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.

Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

Other Plans and Policies

- Metropolitan Plan for Sydney 2031;

Development Control Plans

- *Liverpool Development Control Plan 2008*
 - Part 1 – Controls applying to all development
 - Part 4 – Development in Liverpool City Centre

Contributions Plans

- Liverpool Contributions Plan 2007 applies to all development within the Liverpool City Centre, and requires the payment of contributions equal to 2% of the cost of the development pursuant to Section 94A of the EPA & Act.

5.2 Zoning

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

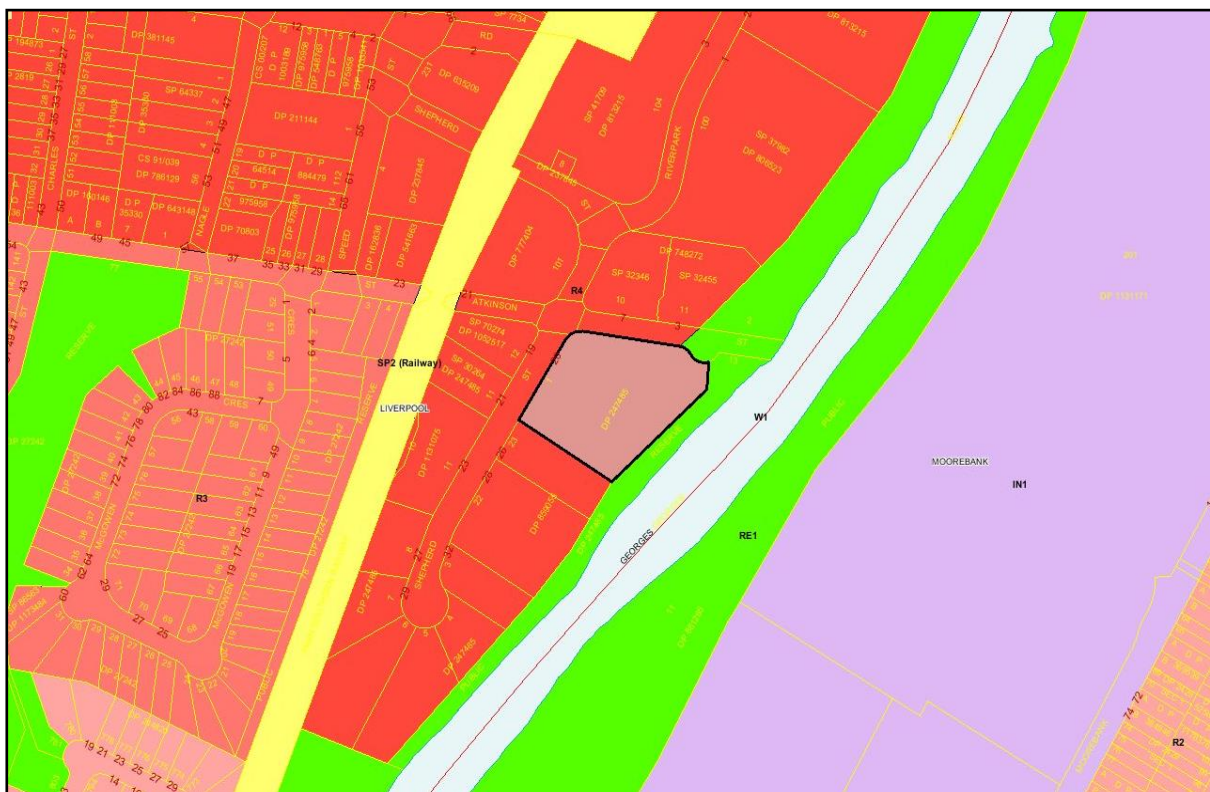


Figure 23: Extract of LLEP 2008 zoning map

5.3 Zoning

The proposed development is defined as a ‘Residential flat building’, which is permissible within the R4 High Density Residential zoning.

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:

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

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 involves a residential flat building. Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles contained 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.

Note: As the subject development application was lodged prior to 17 July 2015, SEPP 65 (prior to being amended) along with the Apartment Design Guidelines are not applicable to the proposal.

DESIGN QUALITY PRINCIPLE REQUIRED	DOES THE PROPOSAL ADDRESS THE PRINCIPLE?	HOW DOES THE PROPOSAL ADDRESS THE PRINCIPLE?
PRINCIPLE 1: CONTEXT 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.	<p>The Architect's SEPP 65 statement identifies the proposed development for 20 Shepherd Street as an amazing opportunity to redevelop an existing industrial site into a vibrant residential precinct on the George's River.</p> <p><i>The existing buildings on the adjoining sites consist of an eclectic mix of industrial and residential buildings built after 1960.</i></p> <p><i>The site is close to public transport facilities including Liverpool train station. Shepherd Street also provides access to the Casula Powerhouse and Lighthorse Park.</i></p> <p><i>The development of this site will create an attractive location where people can live and enjoy Liverpool's assets which include the George's River, the surrounding parks and the Casula powerhouse. The design objective is to create a high quality mixed residential development to reinvigorate this Liverpool precinct. The scheme supports the vision by the Liverpool council to improve the quality of architecture and design in the area and specifically sets out to meet the stated objectives contained within the Liverpool Council Planning Controls and SEPP 65.</i></p> <p><i>The two proposed new residential buildings</i></p>

		<p>have been configured to front the George's River and Atkinson Street and to respectfully respond to the heritage mill building to the south-west. The Atkinson Street boundary of the site provides both vehicular access to below-grade car parking and pedestrian access to the 2 proposed buildings. Pedestrian access to the building along the river occurs via a proposed public plaza defined by the building along Atkinson Street and the heritage building. The detailed design of the heritage building's reuse and conservation management is addressed in the heritage report and documentation prepared by Tanner Kibble Denton Architects. The elements of the development have been carefully configured in order to optimise the possibilities of the site for the occupants of the residential buildings and, the creation of a new public communal building, and the enjoyment of new amenities for its residents and the public.</p> <p>It is considered that the design of the proposed development responds and contributes to the future high density urban character of the area. The scale of building and type of use are compatible with the envisaged proposed redevelopment of the precinct and recognises and generally complies with the requirements of SEPP 65 and LLEP 2008.</p>
<p>PRINCIPLE 2: SCALE 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.</p>	Yes.	<p>The Architect's SEPP 65 statement provides that: <i>The scale and built form of the context includes a number of 2-4 storey industrial and residential buildings within the finer grain of smaller scale residential and commercial developments at street level. A majority of the existing developments in the area are well within the maximum building height set out in the Liverpool LEP 2008, but this is gradually evolving as new taller developments are being built such as 'The Point', 'Eagle Towers' and other developments in Bigge Street and Brown Parade.</i></p> <p>The proposal is considered to respond effectively to the heritage constraints on the site and is considered compatible with future development anticipated within the vicinity of the site, as well as the wider locality.</p>

<p>PRINCIPLE 3: BUILT FORM 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.</p>	<p>Yes.</p>	<p>The Architect's SEPP 65 statement provides that: <i>"The proposed development responds to the development constraints for residential development and is of high quality in terms of urban form, massing, bulk and amenity."</i></p> <p><i>The first element of the architectural tripartite is the creation of the podiums in scale and material. The podium of Building A is 5-storeys and the podium base expression of Building B is 3-storeys. The Building A podium addresses the 4-storey buildings along Atkinson Street and the podium of Building B steps down to 3 storeys to create a pedestrian the scale to the river front foreshore.</i></p> <p><i>Both podiums are brick façade expressions that provide a dialogue with the brick of the 2-storey scaled heritage building and the residential buildings of Atkinson Street.</i></p> <p>The built form provides for suitable internal amenity and considers the character of the future streetscape and anticipated development outcomes within the locality.</p>
<p>PRINCIPLE 4: DENSITY 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.</p>	<p>Yes.</p>	<p>The Architect's SEPP 65 statement provides that: <i>The project provides an apartment density that is appropriate and consistent with the medium to high density residential apartment developments common within the context.</i></p> <p><i>The proposed density will positively contribute to the mixed-use nature of the locality. The proposed retail and food and beverage facilities in the heritage building will activate the public domain including the proposed public plaza (noting that this will be the subject of a separate DA).</i></p> <p><i>The proposed building offers 250 residential apartments with a mix of studio, one, two and three bedrooms.</i></p> <p><i>This apartment mix is generally in accordance with the Liverpool planning guidelines. 25 of the apartments are adaptable for people with disabilities and are distributed throughout the buildings.</i></p> <p><i>The residential apartments are supported by communal facilities which include a large rooftop terrace with and BBQ facilities and pool to Building A, and large roof top terrace with BBQ facilities facing the river to Building B.</i></p> <p>The proposal contains a mix of units considered appropriate for the location and proximity to the City Centre. The proposed density is considered to respond to the availability of infrastructure, public</p>

		transport, community facilities and environmental quality.
<p>PRINCIPLE 5: RESOURCE, ENERGY AND WATER EFFICIENCY</p> <p>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 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>	Yes.	<p>The Architect's SEPP 65 statement provides that:</p> <p>Energy Efficient Fittings & Fixtures <i>Energy efficient fittings such as low energy LED and compact fluorescent lighting will be provided to all common areas.</i></p> <p>Rain water harvesting and reuse <i>Harvesting of rain water in tanks is being proposed and will be included if necessary by the consenting authority. Water storage tanks located in the basement would be used for rain water collection and reused for irrigating gardens and potentially used for toilet flushing.</i></p> <p>Water efficient fittings and fixtures <i>Water efficient fittings such as restricted water flow shower heads and dual flushing toilets will be provided to all residential apartments and common areas.</i></p> <p>The development provides opportunities in this regard, as reflected within the submitted BASIX Certificate. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting.</p>
<p>PRINCIPLE 6: LANDSCAPE</p> <p>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,</p>	Yes	<p>The Architect's SEPP 65 statement provides that: <i>The development aims to maximise soft landscaping at the ground level and on the roof tops. Deep soil zones have been provided along the river edge boundary, the north east and the spaces between building A and building B. Communal outdoor terraces have been provided on the podium of Building A and the roof of Building B. They include generous green roof areas and BBQ facilities and a pool to the Building A podium. The apartments will also benefit from year-round outdoor access to large balconies. New street trees will be planted along Atkinson Street in accordance with council's landscape strategy. Refer to Aspect Studio's landscape drawings and report for landscape details.</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 the proposal and foreshore is reasonable and that the proposed common open space will provide a sufficient level of</p>

equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.		amenity to this area.
PRINCIPLE 7: AMENITY Good design provides amenity through the 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.	Yes.	<p>The Architect's SEPP 65 statement provides that: <i>The proposal includes efficient and spacious apartment layouts, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook, ease of access for all age groups and degrees of mobility where required.</i></p> <p><i>As a result of the river's location on the east, the proposed design maximises access to eastern river views while also achieving as much solar access as possible. 60% of apartments achieve a minimum of 2 hours' sunlight between 9am and 3pm on 21 June. Approximately 109 of apartments achieve river views.</i></p> <p><i>A total of 61% of apartments enjoy cross ventilation due to the deep slot articulations in the building forms.</i></p> <p><i>Each apartment has been designed with modern open plan living areas comprising of the kitchen, dining and living areas. The majority of the apartments comply with the minimum unit sizes. Each living space has direct access to full height and full width clear glass sliding doors and windows to adjoining private outdoor spaces.</i></p> <p><i>Apartments located at the corners of the buildings have either secondary balcony spaces or oversized wraparound balconies. Balconies, including those that are angled in plan, generally have maximum dimensions of at least 2m in depth. Ground floor double-height apartments facing the river have outdoor terraces that have less than 2m deep terraces are provided with deep triple tiered landscape verges and direct, elevated views to the river. These apartments also have double height voids internally within the units.</i></p> <p>The proposal is considered to be satisfactory in this regard, optimising views and internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities.</p>

<p>PRINCIPLE 8: SAFETY AND SECURITY 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.</p>	<p>Yes.</p>	<p>A Crime Prevention Through Environmental Design (CPTED) report has been prepared.</p> <p>The proposed development maximises the potential for passive surveillance, with well separated buildings and carparking that is overlooked by adjacent buildings and a well-defined public domain and access pathways.</p> <p>An estate management office is proposed. Lobbies/shared entrances are to have buzzers and intercoms. Vehicle entrances are to be controlled via an automated gate.</p> <p>Security cameras and swipe card access to buildings are also proposed.</p>
<p>PRINCIPLE 9: SOCIAL DIMENSIONS AND HOUSING AFFORDABILITY Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. 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>	<p>Yes.</p>	<p>The Architect's SEPP 65 statement provides that: <i>The proposal offers 250 apartments with a mix of apartments to appeal to a wide cross section of the suburban demographic in terms of density and affordability. The proposal offers 2% x Studio apartments, 28% x 1 Bedroom apartments, 64% x 2-Bed apartments, and 6% x 3 Bedroom apartments.</i></p> <p><i>The development also provides a mix of private open space in the form of generous terraces and balconies and a communal rooftop BBQ terrace with substantial planting, catering for both formal and informal recreational activities. The inclusion of accessibility features such as level footpaths and disability access at ground level caters for the varying degrees of accessibility in the general population. BCA and Accessibility reports are included in the development application and the design reflects these reports.</i></p> <p><i>The adaptive re-use of the heritage building as a food and beverage destination offering will enhance the social mix to the immediate precinct and serve as a community hub for the residential component.</i></p> <p>This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these</p>

		requirements.
PRINCIPLE 10: AESTHETICS 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.	Yes.	<p>The Architect's SEPP 65 statement provides that: <i>The aesthetics of the proposal are derived from the considered analysis of the contextual environment and celebrates the beauty of the Georges River, the existing heritage building and the history of the site as a premier paper/woollen mill site in Australia. The proposal composes elements, textures, materials and colours from these desirable elements of the site but proposes new architectural forms that look forward to the future growth of the area as a high-density residential precinct while also framing vistas to the Georges River and bring forth a new social dimension to the adaptive re-use of the heritage building as a community food and beverage destination.</i></p> <p>The proposal is considered responsive to the environment in terms of composition and use of materials, responding to the streetscape and existing heritage item, while addressing the Georges river. The overall aesthetics is considered to be a suitable response to the evolving character of the area and envisaged future development outcomes within the area.</p>

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 (RFDC). The following table outlines compliance with the RFDC, where numerical requirements ('controls') are specified.

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
PART 1 – LOCAL CONTEXT			
BUILDING HEIGHT	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 32.27m (Block B – 9 storeys) and 17.9m to 53.27m (Block A - 5 and 16 storeys). Not consistent with LEP height requirements and adjoining developments.	No – refer to Clause 4.6 variation
BUILDING DEPTH	In general, building depth should be between 10-18 metres.	<p>The building A depths range from 8m to 17.8m – Levels 1- 4</p> <p>The building A depths range from 19.5m to 21.4m – Levels 5-16</p>	No – refer to discussion below

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		The building B depths range from 18.8m to 21m	
BUILDING SEPARATION	<p>The minimum setbacks between buildings are as follows</p> <p>Up to 4 storeys/12m in height:</p> <ul style="list-style-type: none"> - 12m between Habitable rooms/balconies - 9m between Habitable/balconies and Non-habitable rooms. - 6m between non-habitable rooms <p>5 to 8 storeys/up to 25m in height:</p> <ul style="list-style-type: none"> - 18m between Habitable rooms/balconies - 13m between Habitable/balconies and Non-habitable rooms. - 6m between non-habitable rooms <p>>9 storeys/> 25m in height:</p> <ul style="list-style-type: none"> - 24m between Habitable rooms/balconies - 18m between Habitable/balconies and Non-habitable rooms. - 12m between non-habitable rooms 	<p>6 and 16 storeys.</p> <p>9.4m to 19.7m habitable rooms/balconies and non-habitable rooms/balconies of building A and B along the northern elevation of building B.</p> <p>20m between non-habitable rooms along the western elevation on building B.</p> <p>9m to 22m between habitable rooms/balconies and non-habitable rooms/balconies of building A and B along the northern elevation of building B.</p> <p>17m between non-habitable rooms along the western elevation on building B.</p> <p>9m to 22m between habitable rooms/balconies and non-habitable rooms/balconies of building A and B along the northern elevation of building B.</p> <p>17m between non-habitable rooms along the western elevation on building B.</p>	<p>No – refer to discussion below</p> <p>Yes</p> <p>No – refer to discussion below</p> <p>Yes</p> <p>No – refer to discussion below</p> <p>Yes</p>
STREET SETBACKS	To establish the desired spatial proportions of the street and define the street edge. To relate setbacks to the areas street	Retention of existing heritage listed building façade on Shepherd Street which is 6.4m	Yes

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
	hierarchy.	to 7.4m. Setback of building proposed building to Atkinson Street is 6m.	
SIDE AND REAR SETBACKS	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 allows provision of light, air, sun, or provide privacy too buildings.	Yes
FLOOR SPACE RATIO (FSR)	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 maximum floor space ratio for development on the subject site is 2.5:1 as per the LLEP 2008.	The proposed development will have a maximum floor space ratio of 2.56:1 (25,320m ² of gross floor area).	No, refer to Clause 4.6 variation.
PART 2 – SITE DESIGN			
DEEP SOIL ZONES	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. Total open space area proposed 4904m ² including the POS. Deep soil required is 1226m ² .	The total open space required is between 2468m ² to 2961m ² . Deep soil zone proposed 912m ² or 18.6% of the open space.	No – refer to discussion below

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
FENCES AND WALLS	<p>To define the edges between public and private land.</p> <p>To define the boundaries between areas within the development having different functions or owners.</p> <p>To provide privacy and security.</p> <p>To contribute positively to the public domain.</p>	The proposed landscape plan shows defined boundaries and includes boundary fence of 1.8m and 1.2m fence on terraces.	Yes
LANDSCAPE DESIGN	<p>To add value to residents' quality of life within the development in the forms of privacy, outlook and views.</p> <p>To provide habitat for native indigenous plants and animals.</p> <p>To improve stormwater quality and reduce quantity.</p> <p>To improve the microclimate and solar performance within the development.</p> <p>To improve urban air quality.</p> <p>To contribute to biodiversity.</p>	A landscape plan has been submitted and is supported by Council's Landscape officer, as well as Council's Heritage officer who confirms that the landscaping appropriately responds to the heritage context of the site.	Yes
OPEN SPACE	<p>25% - 30% of site area should be devoted to communal open space.</p> <p>Ground level apartments should contain a minimum of 25m² of open space, with a minimum dimension in one direction of 4m.</p>	<p>Site area = 9873m² Communal space required 2468m² to 2961m².</p> <p>Total communal open space provided on the ground floor is 455m² and 1952m² on the roof top, which is a total of 24.5% or 2407m²</p>	No – refer to discussion below
ORIENTATION	To protect the amenity of existing development and to optimise solar access to residential apartments within the development and adjacent to the development.	There are 9 dwellings in Building B which are significantly affected by overshadowing from Building A.	No – refer to discussion below
PLANTING ON	The applicable guidelines with	The plans submitted	Yes

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
STRUCTURES	<p>regard to soil provision is provided below:</p> <p>Large trees such as figs (canopy diameter of up to 16 metres at maturity)</p> <ul style="list-style-type: none"> - minimum soil volume 150 cubic metres - minimum soil depth 1.3 metre - minimum soil area 10 metre x 10 metre area or equivalent <p>. Medium trees (8 metre canopy diameter at maturity)</p> <ul style="list-style-type: none"> - minimum soil volume 35 cubic metres - minimum soil depth 1 metre - approximate soil area 6 metre x 6 metre or equivalent <p>. Small trees (4 metre canopy diameter at maturity)</p> <ul style="list-style-type: none"> - minimum soil volume 9 cubic metres - minimum soil depth 800mm - approximate soil area 3.5 metre x 3.5 metre or equivalent <p>. Shrubs</p> <ul style="list-style-type: none"> - minimum soil depths 500-600mm <p>. Ground cover</p> <ul style="list-style-type: none"> - minimum soil depths 300-450mm 	<p>with the application nominate planting above the ground floor level.</p> <p>The sections submitted with the application nominate soil depths of approximately 800mm for the eastern landscaped buffer and 600mm for the ground floor private courtyards and central communal open space adjacent to the lift well. These soil depths and allocated planting spaces are considered adequate for the proposed trees and shrubs as indicated on the submitted landscaped plan.</p>	
PEDESTRIAN SAFETY	Provide barrier free access to at least 20% of all dwellings.	Barrier free access provided to more than 20% of units	Yes
BUILDING ENTRY	Activate the street	Satisfactory through design and orientation.	Yes
CAR PARKING	<p>Determine appropriate car parking spaces in relation to proximity to public transport, the density of the development.</p> <p>Preference to underground car parking</p> <p>Provision of bicycle parking</p>	Provided	Yes
SAFETY	Carry out a formal crime risk assessment for all residential developments above 20 dwellings	The applicant has carried out a CPTED assessment.	Yes
VISUAL PRIVACY	To provide reasonable levels of visual privacy externally and internally, during the day and at night. Relates to separation distance.	The proposed building separation as amended, provides adequate level of privacy to the proposed development.	Yes
PEDESTRIAN	Identify access requirements from	Clear and defined	Yes

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
ACCESS	the street and parking areas to the residential apartments, and ensure access is accessible.	pedestrian access paths have been provided.	
VEHICLE ACCESS	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
PART 3 – BUILDING DESIGN			
APARTMENT LAYOUT	<p>Single aspect apartments should be limited in depth to 8m from a window.</p> <p>The back of a kitchen should be no more than 8m from a window.</p>	<p>Block A</p> <p>Level 2 to 4 Units 2.04 to 2.07, 2.10, 2.11, 3.04 to 3.07, 3.10, 3.11, 4.04 to 4.07, 4.10, 4.11 all have a depth ranging from 7m to 11m from a window (due to angled windows)</p> <p>Level 5 Units 5.08 and 5.01 have a depth ranging from 7m to 10m from a window.</p> <p>All other units have a depth of less than 8m from a window.</p> <p>Block A</p> <p>Level 2 to 4 The kitchens of units 2.04 to 2.07, 2.10, 2.11, 3.04 to 3.07, 3.10, 3.11 4.04 to 4.07, 4.10, 4.11 are all less than 8m from a window.</p> <p>Block B</p> <p>Units G5 to G8 have a depth of 8.2m to 10m from a window.</p> <p>Units G1, G2, G11 & G12 have a depth of 9m from a window.</p> <p>Units 1.01, 1.02, 1.05 & 1.06 have a depth of 9m from window.</p>	<p>No – refer to discussion below</p> <p>No – refer to discussion below</p> <p>Yes</p> <p>No – refer to discussion below</p> <p>No – refer to discussion below</p>

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		<p>Units 2.05 to 2.08 have a depth of 8.2m from a window.</p> <p>Units 2.01, 2.02, 2.11 & 2.12 have a depth of 9m from window.</p> <p>Units 3.05 to 3.08 have a depth of 8.2m from a window.</p> <p>Units 3.01, 3.02, 3.11 & 3.12 have a depth of 9m from window.</p> <p>Units 3.05 to 3.08 have a depth of 8.2m from a window.</p> <p>Units 3.01, 3.02, 3.11 & 3.12 have a depth of 9m from window.</p> <p>Floors 4 to 7 as above (floor 3)</p> <p>No cross through units proposed</p> <p>Units within this range.</p>	<p>No – refer to discussion below</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
	<p>The width of cross through apartments over 15m deep should be more than 4m.</p> <p>Apartment sizes (guide only)</p> <ul style="list-style-type: none"> - 1 bedroom – 50sqm - 2 bedroom – 70sqm - 3 bedroom – 95sqm 		
APARTMENT MIX	To provide a diversity of apartment types, which cater for different household requirements now and in the future	<p>The proposal incorporates a mix of studio, 1br, 2br and 3br units.</p> <p>The proposal provides for adaptable units in accordance with the relevant standards.</p>	Yes
FLEXIBILITY	<p>Apartments must be designed to afford flexible living arrangements and satisfactory working arrangements.</p> <p>Apartments must be adaptable - 10% required.</p>	<p>The development provides for 25 accessible units which supports housing choice by providing accessibility (this is 10% of the overall number of units).</p> <p>The proposal has</p>	Yes

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
		sufficiently flexible floor plates to accommodate changing living circumstances.	
GROUND FLOOR APARTMENTS	Optimise the number of ground floor apartments with separate entries and provide ground floor apartments with access to private open space, preferably as a terrace or garden.	Ground floor units have separate entries where possible and have access to garden/terrace.	Yes
BALCONIES	Primary balconies to be a minimum of 2 metres in depth.	Primary balconies are all an average of 2metres in depth.	Yes
CEILING HEIGHTS	2.7 metres for residential levels.	3.3 metres to ground level units and 3.1metres to first floor and above units. No commercial use is proposed as part of the development.	Yes
INTERNAL CIRCULATION	Where units are arranged off a double loaded corridor, the number of units accessible from a single core / corridor should be limited to 8	12 units (Building B) are accessed from individual corridors on both proposed blocks.	No – refer to discussion below
STORAGE	<ul style="list-style-type: none"> - One bedroom units – 6m³ - Two bedroom units – 8m³ - Three bedroom units – 10m³ <p>Required storage:</p> <p>Studio & 1 bed x 74 units = 444m³ 2 bed x 160 unit = 1280m³ 3 bed x 16 units = 160m³</p> <p>Total required = 1884m³</p>	<p>Total proposed 2307m³</p> <p>Allocation of storage areas for each unit complies and has been provided within the basement level</p>	Yes
ACOUSTIC PRIVACY	Arrange apartment to minimise noise transition	Acoustic report provided, satisfactory	Yes
DAYLIGHT ACCESS	<p>70% of the living rooms and private open space of apartments should receive a minimum of two hours direct sunlight.</p> <p>- No more than 10% single aspect south facing apartments.</p>	<p>60%</p> <p>20%</p>	No – refer to discussion below
NATURAL VENTILATION	<p>60% of residential units should be naturally cross ventilated.</p> <p>25% of kitchens should have access to natural ventilation.</p>	<p>61% of units are naturally cross ventilated.</p> <p>Natural ventilation is provided to kitchen areas of over 25%.</p>	<p>Yes.</p> <p>Yes</p>

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
FACADES	Ensure that new development have facades which define and enhance the public domain and desired street character	The façade enhances the public domain and desired future character of the area.	Yes
ROOF DESIGN	Provide quality roof designs, which contribute to the overall design and performance of the residential flat building	Satisfactory	Yes
ENERGY EFFICIENCY	Provide AAA rated shower heads reduce the need for artificial lighting	BASIX provided	Yes
WASTE MANAGEMENT	Supply Waste Management Plan in conjunction with the DA.	A Waste Management Plan has been submitted.	Yes.

RFDC Variations

The assessment has identified a number of variations, namely:

Solar access and Orientation

The development proposes 49 of 250 south-facing units to be single aspect units, which equates to 20% of the proposed development. This exceeds the RFDC 'Rule of Thumb', however the departure is considered acceptable as these apartments will achieve high quality amenity as they are oriented to face the Georges River. They will achieve daylight, outlook and views as a result of facing this key ecosystem. Importantly the orientation of these dwellings ensures they meet the Objectives for Daylight under the RFDC by ensuring adequate daylight access and providing ambient lighting to minimise need for artificial lighting during daylight hours.

Communal Open Space

The communal open space area of the site is 24.5% in the form of both ground-floor communal open space and roof top. The deep soil area is 18.6% of the total open space area. These outcomes provide substantial increases to both landscaping and communal open space when the former industrial land use is considered. The variation is considered acceptable in this instance, given the constraints on the site as a result of the existing heritage item to be retained.

Building Depth

The proposed building depths exceed the 'Rules of Thumb', however the units all comply with the recommendations for apartment layout and configuration, including:

- all bedrooms are a minimum width of 3m;
- the greatest depth of windows to the back of kitchens is 8m; and
- only bathrooms and studies are located furthest from windows.

The proposed development is considered to meet the Objectives of the Building Depth provisions as the layout of apartments ensures adequate amenity to future occupants including through access to daylight and natural ventilation.

Building Separation

The amended design to the first four floors achieves a greater distance between Buildings A and B of 15m, which exceeds the 12m required separation. The shortest distance is 9.655m and the greatest distance is 19.725m. Above five storeys, the tower form of Building A has been 'pulled in' to improve the tower design and provide improved privacy for future occupants. As a result, the average distance between Buildings A and B above 5 storeys is 16.95m. The shortest distance is 9m and the greatest distance is 22.4m. Although these distances are slightly less than the recommended 18m building separation, the design ensures that views into Building B are controlled through the use of solid full height walls on the balconies of Building B.

Internal Circulation (double loaded corridors)

The core of Building B is located at the centre of the building. The lift lobbies have sufficient natural light on the east and west as well as at the end of the corridors running north and south. The lift lobbies are double height spaces to enhance transparency from the courtyard to the river. It also provides spatial relief for each floor to break up the distance of the corridor so that 6 apartments are accessed via each side of the lift lobby vertical slots. As such, the 12 units being accessed from one corridor is considered acceptable.

Despite these variations, the application has been amended in response to the concerns raised by the former DRP as well as at the City Architect to ensure that consistency with the principles of SEPP 65 is generally achieved, notwithstanding the constraints on the site due to the heritage item.

Council's City Architect has assessed the proposed development as amended and considers that it is acceptable in terms of overall design and compliance with SEPP 65 and the RFDC.

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 Preliminary Site Investigation Report (Report E22402 AA Rev 1) prepared by Environmental Investigations Australia for 2 & 5 Atkinson Street, Liverpool has been submitted. The report concluded that further investigations were required to determine the suitability of the land for recreational use. In particular, an assessment of imported fill material and groundwater migration from the former Mill was recommended.

A revised site plan (Project No. 120530, Drawing Number A1001, Revision E) prepared by Woods Bagot dated 25 May 2015 which indicates that the current proposal does not include any development on adjoining land at Lot 13 DP 247485, 2 Atkinson Street, Liverpool NSW and Lot 15 DP 1129945, 5 Atkinson Street, Liverpool NSW. Therefore, this assessment relates strictly to the redevelopment of Lot 1 DP 247485, 20 Shepherd Street, Liverpool.

The Remediation Action Plan (EI Report No. E22322 AA prepared by Environmental Investigations Australia Pty Ltd dated 4 November 2014 was reviewed by a suitably qualified and experienced contaminated land consultant to determine the validity of the remediation strategy. On 1 April 2015 Environmental Investigations Australia confirmed in writing that the Remediation Action Plan (RAP) (EI Report No. E22322 AA) dated 4 November 2014 was still valid for the site.

On this basis, Council's Environment and Health section considers the contamination assessment to be satisfactory and have recommended conditions of consent.

The contamination assessment identifies that the site is suitable for residential development.

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:	
(a) it has considered whether the land is contaminated, and	A contamination assessment has been submitted as part of this application and reviewed by Council's Environmental Health Staff.
(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 submitted assessment concludes the site is suitable for residential development.
(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.	Land is to be remediated if any contaminants are found during excavation works.

Therefore based on the above assessment the subject site is suitable for the proposed development subject to remediation works being undertaken where required and in accordance with the approved RAP.

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

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

State Environmental Planning Policy (Infrastructure) 2007

The application was referred to the Roads and Maritime Services (RMS) for comment (Note: a referral is however not required pursuant to Clause 104 of the SEPP, as the development is not identified as *traffic generating development*). The RMS have provided a response raising no objections to the proposal.

The site is within proximity to a rail corridor (approximately 75 – 95 metres) 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 >80km/h and any development within 80 metres 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 83 metres from the rail corridor. This is outside the limit identified in the guidelines and therefore no acoustic or vibration assessment is required. Notwithstanding this, 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 to ensure a high level of amenity for future occupants.

An acoustic report was submitted with the application and is considered to be satisfactory.

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 respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.

(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment. The issue of site contamination has been addressed above.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	General Terms of Approval have been issued by the NSW Office of Water.
(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 identified as containing acid sulfate soils on LLEP 2008 Acid Sulfate Soil mapping – Class 5; however, no controls or conditions are required, as the development will not be affected by this classification of Acid Sulfate Soils.
(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	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss. The proposal includes remediation of the site to minimise any impacts on ground and surface water.
(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 connection to existing services.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre

	<p>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 those works proposed and endorsed by 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.

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 a *residential flat building* with Council consent in the R4 High Density Residential zone.

Zone Objectives

The objectives of the R4 – High Density Residential zone 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 250 dwellings (with a mix of studio, 1, 2, 3 bedroom and a number of adaptable units).

The site is located in an area identified for urban renewal and transformation, 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 principal 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.	Not proposed	N/A
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 52.87m to the ridge line.	No, refer to Clause 4.6 discussion below
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 ² .	The proposed development will have a maximum floor space ratio of 2.56:1 (25,320m ² of gross floor area).	No, refer to Clause 4.6 discussion below
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 building height has been sought.	Yes
Clause 5.6 – Architectural Roof Features	Council may permit variations to the maximum building height for roof features of visual interest. The roof features must be decorative elements, and the majority of the roof must be contained within the maximum building height.	Building height variation is sought. See clause 4.6 discussion below.	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	REQUIRED	PROPOSED	COMPLIANCE
Clause 5.10 – Heritage Conservation	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>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, however due to unauthorised works undertaken on site, this matter needs to be addressed.</p> <p>See below for matters discussed regarding Aboriginal heritage.</p>	<p>Yes, subject to conditions.</p> <p>Refer to comments below in relation to Aboriginal Heritage</p>

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
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
Clause 7.4 Building Separation in the Liverpool City Centre	<ul style="list-style-type: none"> • 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and • 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and • 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential and 	Building A has a height of between 15m and 52m and is located 35m from the eastern neighbouring property.	<p>Complies with building separation between adjoining properties along Atkinson St</p> <p>Building separation does not comply between the purposed towers within the site, refer to Clause 4.6 variation</p>
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 proposal is of high quality design.</p> <p>See earlier discussion regarding DRP and City Architect's comments</p>	Yes
General Provisions			

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
<p>Clause 7.6 Environmentally significant land</p>	<p>Consider impacts of development on environmentally significant land, bed and banks of waterbody, water quality and public access to foreshore.</p>	<p>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.</p> <p>The proposed development has given consideration to the significance of vegetation, the sensitivity of the land and the impact of development on the environment as per the Flora and Fauna report submitted with the application.</p> <p>The stability of the bed and banks of any waterbody and the effect water quality, stream flow and the functions of aquatic ecosystems have been considered by the Geotechnical report and the Riparian Management report.</p>	<p>Yes</p>

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
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 proposes basement car parking requiring excavation.</p> <p>A Geotechnical report has been submitted addressing the Acid Sulfate Soils Management.</p>	Yes - to be conditioned
Clause 7.9 Foreshore Building Line	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.	The proposal will embellish the foreshore area. There is a boardwalk shown on the plans but is not part of the proposal.	No, Variation has not been sought
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

Discussion on variation under Clause 4.6 of LLEP 2008 development standards

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:

Variation to Clause 4.4 Floor Space Ratio (FSR)

Clause 4.4(2) of LLEP 2008 identifies a maximum FSR of 2.5:1 for the site. The development proposes a FSR of 2:56:1 which is based on a site area 25320m². The extent of variation is 2.5% or 633m².

The applicant has submitted a written request seeking variation to the maximum FSR prescribed by Clause 4.4, as required by Clause 4.6 of the LLEP 2008. Clause 4.6(2) provides that in certain circumstances, consent *...may be granted for development even though the development would contravene a development standard imposed by the LLEP.*

The objectives of Clause 4.6 are as follows:

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

Clause 4.6(3) prescribes:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The departure from the FSR development standard is supported by a written request from the applicant under Clause 4.6 of LLEP as follows. Refer to **Attachment 3**.

There are sufficient environmental planning grounds for the contravention to the FSR standard as follows. The proposed variation to the FSR control is minor and results in a small 2.5% increase to total GFA across the site. The variation has occurred in order to achieve a better environmental design outcome for the site by providing a strong connection from the public plaza to the riverfront with an appropriate edge framing the walkway and improved building envelope layouts.

The small increase in GFA as a result of this re-design does not create any additional environmental or amenity impacts such as overshadowing, privacy or loss of necessary private or communal open space.

The development has been deliberately designed to provide a positive environmental benefit. Rather than distributing the floor space evenly across the site, the majority of massing is consolidated in the 16-storey tower at the northeast corner of the site, resulting in a good urban design outcome that does not compromise the quality of the streetscape and public domain and also has an acceptable level of impact on the surrounding area.

The proposal results in a public benefit by opening up a public plaza at the north-west corner of the site, allowing the community to interact with the Heritage Mills building through future shop/retail uses. The proposal will not result in any adverse environmental impacts such as unacceptable overshadowing or privacy, and is considered to provide a superior design

outcome compared to a complying scheme which would result in the distribution of floor space across lower buildings with large floor plates, presenting poorly to the streets and public domain.

The proposed development maximises connections between the river and Shepherd Street by allowing an opening between Buildings A and B so that the presence of the river can be felt across the site, including from Shepherd Street, promoting Liverpool as a true river city. Importantly, the design of the site has been developed to align with the overall master planning for the Shepherd Street Precinct, which the applicant is engaging concurrently with Council to provide significant environmental benefits across the entire precinct.

The development will be in the public interest because it is consistent with the objectives of the standard and objectives for development in the zone.

- The increase in FSR is minor and constitutes only an additional 2.5% of GFA across the entire development site. The proposed additional GFA will have a negligible impact on the intensity of the land use with respect to generation of vehicle or pedestrian traffic. The site is well-located in proximity to infrastructure including the City Centre and transport interchanges;*
- The additional GFA will not create any major modifications to the existing built form and density and will not create any adverse environmental effects. In contrast, the amended building envelope for Building B will provide a stronger edge adjacent the public connection to the riverfront that will improve the local environment;*
- The proposed development will maintain an appropriate visual relationship between new development and the existing Heritage Mill Building; and*
- The proposed development, as amended, facilitates design excellence by ensuring that the amended building envelope has generous space for articulation and modulation and provides a strong edge to the riverfront.*

In the circumstances, there is no significant benefit in maintaining the FSR standard as the contravention of the FSR standard facilitates the following public benefits:

- Improved building layout and massing to provide a strong visual and physical connection from the public plaza to the riverfront between Buildings A and B;*
- Improved transition and massing from Shepherd Street to the riverfront and associated setbacks;*
- High quality architectural design to provide good quality residential accommodation within the Liverpool City Centre; and*
- Better site layout with respect to building setbacks and site coverage. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

Although the proposed development does not adhere to strict compliance to the floor space ratio, it still satisfies the objectives of the Clause. The following comments are provided in relation to how the proposed development satisfies the objectives of Clause 4.4:

- (a) to establish standards for the maximum development density and intensity of land use, taking into account the availability of infrastructure and the generation of vehicle and pedestrian traffic,*

The subject site is located within close proximity to the Liverpool train station. One of the intentions for the R4 zone is to maximise residential densities in close proximity to public transport facilities. The proposed development achieves the required number of car parking spaces for the development and achieves a viable high density residential development which appropriately responds to the availability of public transport infrastructure.

- (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different locations,*

The desired future character of the area is defined by the objectives of the R4 zone, as being a *high density residential environment*. The proposed development is consistent with this description of desired future character.

- (c) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*

The subject site is adjoined on its southern boundary by the Georges River and Council Reserve leading to Lighthorse Park. The proposed development would not create an adverse environmental effect on the use of Lighthorse Park or the George's River by the adjoining properties. The proposed development would in fact activate the use of these environmental assets.

- (d) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*

The proposed development will maintain an appropriate visual relationship between new development and the existing Heritage Mill Building. The eastern and northern adjoining properties are zoned R4 and as such are likely to undergo a substantial transformation in the near future.

- (e) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*

Given the constraints of the site created by the existing heritage item known as the former Woollen Mill, the proposed development allows for the maximum floor space to be achieved through a well-considered design approach for the site's context, protects the heritage significance and activates the presence of the former Woollen Mills building. On this basis, to allow an FSR variation on the site, would facilitate a development on a site which is constraint by the existing heritage item as well as the foreshore building line.

- (f) *to facilitate design excellence in the Liverpool city centre by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design.*

The proposed development achieves a scale and density of development which creates design excellence by ensuring that the building envelope has generous space for articulation and modulation and provides a strong edge to the riverfront.

Having regard to the above, it is considered that strict compliance with Clause 4.4 FSR is unnecessary and unreasonable in this case, and that based on the circumstances of this proposal, it is reasonable to allow flexibility in the application of an increase FSR. There are sufficient environmental planning grounds to justify contravening the development standard.

Variation to Clause 4.3 Height of Buildings

Clause 4.3(2) of LLEP 2008 identifies a maximum height of 24m for the site. The development proposes a height ranging from 17.9m and 32.27m to 53.27m. The extent of variation is 34.5% to 122% or 8.3m to 29.3m, as shown in the extract below:

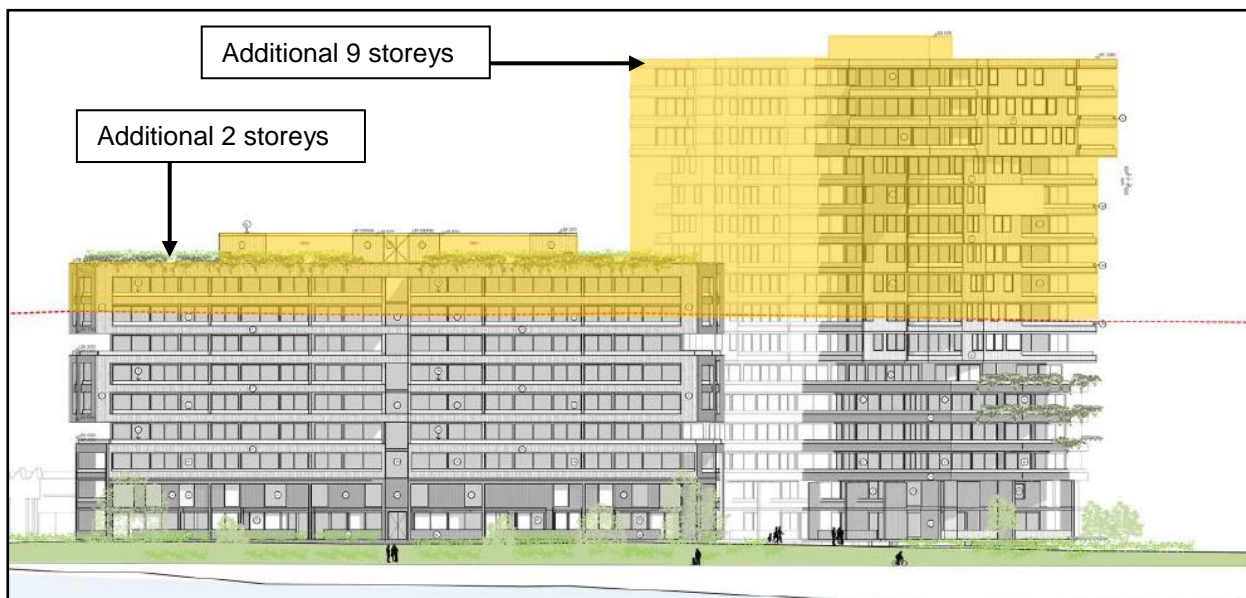


Figure 24: Extent of height non-compliance (extract from report prepared by Architectus Group Pty Ltd)

The applicant has provided justification for the departure to the development standard summarised as follows: This request is attached as **Attachment 4**.

The site is subject to multiple environmental constraints including a Vegetated Riparian Zone and Foreshore Building Line setback of over 15m from the rear of the site due to its proximity to the Georges River. A significant portion of the site is covered by the Heritage Mill Building, which restricts development potential across this portion of the site.

Accordingly, to achieve the maximum gross floor area whilst providing a good design outcome for the heritage building results in a non-compliance with the maximum height control. These environmental constraints have meant that in order to achieve the floor space ratio in accordance with Clause 4.4 of the LEP, as well as objective a) of Clause 4.3 of the LEP (Height of Buildings), the development needs to exceed the height control for the non-heritage buildings.

The development has been deliberately designed to provide a positive environmental benefit. Rather than distributing the floor space across the site in a way that creates additional bulk throughout, the majority of the height non-compliance is consolidated in the 16-storey tower at the northeast corner of the site. This results in a good urban design outcome that does not compromise the quality of the streetscape and public domain and also has an acceptable level of impact on the surrounding area.

The proposal results in a public benefit by opening up a public plaza at the north-west corner of the site, allowing the community to interact with the Heritage Mills building through future shop/retail uses. The proposal will not result in any adverse environmental impacts such as unacceptable overshadowing or privacy, and is considered to provide a superior design outcome compared to a complying scheme which would result in the distribution of floor space across lower buildings with large floor plates, presenting poorly to the streets and public domain.

The proposed development maximises connections between the river and Shepherd Street by allowing an opening between Buildings A and B so that the presence of the river can be felt across the site, including from Shepherd Street, promoting Liverpool as a true river city. Importantly, the design of the site has been developed to align with the overall masterplanning for the Shepherd Street Precinct, whereby the applicant is engaging concurrently with Council to provide significant public and environmental benefits across the entire precinct. The overall masterplanning for the precinct will allow for new public domain, roads and riverfront improvements to align with Council's vision for a river city.

The development will be in the public interest as it is consistent with the objectives of the standard and objectives for development in the zone.

The proposed development is consistent with the above objectives of the height standard:

- The proposal maximises the development potential for the site in relation to floor space ratio, in a manner that is characteristic of the high quality and dense apartment living style of development sought for a regional centre such as Liverpool. Importantly the additional height ensures that the floor space can be achieved for the site in accordance with objective (a), while protecting the significant of the Heritage Mill Building and Vegetated Riparian Zone.*
- The proposed building heights will encourage high quality urban form with the larger massing adjacent to the Georges River with significant architectural variation to take advantage of the unique riverside setting and providing improved residential amenity through significant views and outlook;*
- The larger building heights adjacent the river will improve the solar access of the development and will substantially increase the exposure to sky and sunlight for the dwellings within the development. The riverfront setting allows the dwellings facing the river to have substantial access to sky and sunlight as they are not restricted by other development in close proximity; and*
- The proposed building heights provide an appropriate transition with lower height buildings stepping up from the Heritage Mill Building on Shepherd Street to a taller massing adjacent the river to take advantage of the benefits of riverfront access.*

The proposal is consistent with the objectives of the R4 High Density Residential zone for the following reasons:

- The proposed development will make a substantial contribution towards the housing needs of the community by providing 250 new residential dwellings at appropriate prices within a high density residential environment with significant communal infrastructure on site;*
- The development provides a variety of housing types including 1,2 and 3- bedroom units and townhouse style dwellings;*
- The development of new residential dwellings will encourage the provision of other land uses such as local shops and retail to provide facilities and services to meet the day-to-day needs of residents;*
- The adaptive reuse of the Heritage Mills Building will provide for local non-residential uses to support and revitalise the surrounding area;*
- The proposed development has good access to transport including Liverpool and Casula Train stations and local pedestrian, cycling and bus routes; and*
- The proposed development prevents the fragmentation of the site to prevent the achievement of high density residential development.*

In the circumstances, there is no significant benefit in maintaining the height standard as the contravention of the height standard facilitates the following public benefits:

- Ability to achieve the FSR in accordance with Clause 4.4 of the LEP and Objective a) of Clause 4.3 of the LEP. This enables additional high-quality residential dwellings within a high-density residential development;*
- Redevelopment that facilitates the conservation of the Heritage Mills building and allows for the provision of a publicly accessible plaza, enhancing amenity for the community in this part of Liverpool City Centre;*
- Improved residential amenity to the development including improved access to sky and sunlight and improved views and outlook;*
- Improved transition and massing from Shepherd Street to the riverfront and associated setbacks;*
- High quality architectural design that complements the significance of the Heritage Mill Building and provides good quality residential accommodation within the Liverpool City Centre;*

- *Alignment of the proposal with the overall master planning approach being undertaken for the precinct concurrently that will provide significant public and environmental benefits; and*
- *Better site layout with respect to building setbacks and site coverage. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*
- *There are sufficient environmental planning grounds to justify the contravention to the height standard as demonstrated below;*
- *The proposed development is nevertheless consistent with the objectives of the height standard and R4 High Density Residential Zone as described above;*
- *The contravention of the height standard does not raise any matter of State or regional planning significance; and*
- *There is no public benefit in maintaining the standard in the circumstances of the case as explained below.*

Further to the Clause 4.6 variation submitted for the proposed building height, the applicant has also submitted a building heights strategy, refer to **Attachment 5**.

Notwithstanding the increase in height of the buildings and the resulting non-compliance with the development standard, the proposal remains consistent with the objectives of the R4 High Residential zone and the objectives of the building height standard. The following comments are provided in relation to how the proposed development satisfies the objectives of Clause 4.3:

(g) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,

The additional height does not increase the floor space of the development. The additional floor space ratio in this case is due to achieving better architectural design outcome relating to a strong building edge, rather than increased building height. The original design of the proposal achieved a compliant FSR with the same height proposed. As the design required amendments to address Council's City Architect's issues relating to providing a better building edge, the proposal was revised to add additional units, hence increasing the FSR of the development by 2.5%.

(h) to permit building heights that encourage high quality urban form,

The proposal delivers quality urban form despite the numerical variation. The proposed height non-compliance is considered to provide a higher quality of urban form by allowing the proposed development to address the river, provide a publicly accessible plaza and protect and expose the former Woollen Mills building. A complying scheme would require larger floor plates to achieve the maximum floor space, presenting poorly to the street, and having a poor relationship to the heritage building.

(i) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,

The additional height does not have any demonstrable overshadowing impacts. The proposed development maintains more than 2 hours of solar access to the street and will provide such to the publicly accessible plaza. It is also south of Lighthorse Park, therefore not impacting the key public open space in the locality in terms of solar access. Accordingly, the proposed development is considered to maintain a good level of solar access in the locality.

(j) to nominate heights that will provide an appropriate transition in built form and land use intensity.

The proposed height non-compliance is consistent with other buildings heights within the Liverpool City Centre. Whilst the development lies on the eastern / river edge of the city, it

maintains a city scale of development and marks the city centre from the river. Accordingly, it is considered to be a height appropriate for its location on the boundary of the city centre and the river.

The proposed variation to building height control is reasonable and appropriate in the particular circumstances on the basis that:

- The proposed development will not impose any adverse impacts on the amenity of adjoining development as a result of the height. The area of non-compliance relates to the fourth storey element of the building which is located on the eastern side of the development site, which adjoins the public open space.
- As demonstrated above, the proposed development is generally consistent with, or not antipathetic to, the objectives of the building height control, notwithstanding the numerical variation.

Given the circumstances of the case, the provision of a strict numerical compliance would be unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard, and is compatible with the anticipated scale of new development within this section of the Liverpool City Centre.

Variation to Clause 7.4 Building Separation in Liverpool City Centre

Clause 7.4 provides minimum building separations within the Liverpool city centre:

- (1) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.*
- (2) Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least:*
 - (a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and*
 - (b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and*
 - (c) 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential and*
 - (d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and*
 - (e) 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use.*

Clause 7.4 of LLEP 2008 identifies a 9 metre separation requirement between parts of the building measuring 12 metres and 25 metres; 12 metres for parts of buildings between 25 metres and 35 metres high and 18 metres for parts of buildings above 35 metres, on land in Zone R4 High Density Residential. The development proposes a building separation of between 9m and 19m from ground floor to the 10th storey being up to 31metres, which represents a variation of between 0.13% and 2.2% maximum, as shown in the extract below:



Figure 25: Building Separation plan – Source: Woods Bagot

The applicant has provided justification for the departure to the development standard summarised as follows: This request is attached as **Attachment 20**.

- The non-compliances between Buildings A and B are considered to be minor with the 5th storey varying by 0.13% and the 8th-10th storeys varying by 2.2%;
- The units are offset and not orientated directly onto each other, with Building A orientated towards the south and Building B orientated to look towards the Mills Building (north-west);
- The variation from the building separation control can be attributed to the articulation in the building envelope which creates an interesting façade when viewed internally and from more distant view points. The variation with the building separation only occurs at one point where the built form is angled while the vast majority of the development complies;
- The separation distances between Buildings A and B will allow for view corridors from the internal courtyard to Georges River;
- The site is heavily constrained by the existing heritage listed Mill Building, which is required to be retained for heritage conservation and the proposed alignment and orientation of the two building envelopes has been designed around the heritage item and the proposed courtyard to the front;
- The variation from the building separation controls will not significantly impact upon the solar access to Building B (which is located on the south of the site); and
- The minor variation only occurs within the site while the separation distances with adjoining properties are considered to be sufficient.

The proposed development is consistent with the objective of the building separation standard:

- The site layout is constrained by the retention of the heritage listed Mills Building and the proposed built form has been pushed towards Georges River. The building separation between Buildings A and B maintains view corridors from the heritage item to the Georges River. Furthermore, the minor variation with the building separation control will not impact upon the visual appearance of the buildings while the angled

- *articulation to the façade adds visual interest to the development;*
- *The units will not look directly into each other and impact upon visual or acoustic privacy. Building A is oriented to the south and Building B is generally orientated to look towards the Mills Building (north-west); and*
- *The variation from the building separation controls will not significantly impact upon the solar access to Building B.*

The proposal is consistent with the objectives of the R4 High Density Residential zone for the following reasons:

- *The proposed development will make a substantial contribution towards the housing needs of the community by providing 250 new residential dwellings within a high density residential environment with significant communal infrastructure on site;*
- *The development provides a variety of housing types including 1, 2 and 3 bedroom units and townhouse style dwellings; The development of new residential dwellings will encourage the provision of other land uses such as local shops and retail to provide facilities and services to meet the day-to-day needs of residents;*
- *The adaptive reuse of the Heritage Mills Building will provide for local non-residential uses to support and revitalise the surrounding area and Georges River Precinct;*
- *The proposed development has good access to transport including Liverpool and Casula Train stations and local pedestrian, cycling and bus routes; and*
- *The proposed development provides a contemporary architectural design solution for the site, whilst recognizing the heritage features, the net result being a development that achieves a high level of residential amenity.*

The designed has been modified for the first four floors, resulting in the average distance between Buildings A and B being 15m, which exceeds the 9m required separation. The shortest distance is 9.655m and the greatest distance is 19.725m. Above five storeys, the tower form of Building A has been 'pulled in' to improve the tower design and provide improved privacy for future occupants. As a result, the average distance between Buildings A and B above 5 storeys is 16.95m. The shortest distance is 9m and the greatest distance is 22.4m.

The development ensures appropriate visual and acoustic privacy through building separation and design methods, such as screening and location of balconies and living areas. The development minimises overshadowing to adjacent properties and private and communal open spaces. The development achieves an excellent amount of open space, particularly adjacent the River and the Heritage Building, which is of an appropriate size and proportion for recreational activities and the development provides sufficient deep soil zones for stormwater management and tree planting.

Given the circumstances of the case, strict numerical compliance would be unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard, and the building separation proposed between Building A and B would not compromise the amenity of neighbouring apartments or of proposed towers, due to satisfactory distance separation from eastern neighbours that face Atkinson Street.

Variation to Clause 7.9 Foreshore Building Line

Part of Building B and the basement area along the eastern boundary (George River) falls within the foreshore building line as demonstrated in the map below. This encroachment is approximately 15metres to 30 metres (50% to 100%) on the foreshore building line with the majority of that building being setback substantially behind the foreshore building line.



Figure 26: Indication of Building Foreshore Line taken from Assessment of Riparian Corridor report

The applicant has provided a variation under Clause 4.6 for the departure to the Building Foreshore Line Clause 7.9, summarised as follows: This justification is attached as **Attachment 6**.

The matters specified in Clause 4.6 of Liverpool LEP 2008 that are required to be addressed in the proposed contravention to the Foreshore Building Line are addressed below.

There are sufficient environmental planning grounds

There are sufficient environmental grounds for the slight encroachment of the Foreshore Building Line which are detailed below:

- It is noted that Clause 7.9 (2) (a) stipulates the following:
'(2) Subject to the other provisions of this Plan, development may be carried out, with development consent, for the purposes of a building on land in the foreshore area only if:
(a) the levels, depth or other exceptional features of the site make it appropriate to do so'*

It is considered that the 'exceptional features' of the site make it appropriate to slightly encroach into the Foreshore Building Line. The site is heavily constrained by the existing heritage listed Mill Building, which is required to be retained for heritage conservation.

The proposed alignment and orientation of the two building envelopes has been designed around the heritage item. A public plaza has been created in front of the heritage item which

provides an appropriate setting for the Mill Building and allows views to the Mill from surrounding buildings. The retention of the heritage item and provision of a public plaza restricts the building massing options and has pushed the built form towards the northern and eastern site boundaries and the interface with the Georges River. To ensure a reasonable development solution is achieved the rear building line of Building B is pushed slightly to towards Georges River which encroaches the Foreshore Building Line.

If the Foreshore Building Line was fully implemented and the Mill Building was retained with a public plaza created in front of the heritage item, the building footprint of Building B would be severely restricted and would effectively render the site undevelopable. Therefore the slight encroachment of Building B within the Foreshore Building Line is considered to be acceptable in this regard;

- The rear setback of Building B complies with Council's minimum setback requirement of 6m while Building A exceeds this control;*
- The slight encroachment of the Foreshore Building Line allows for sufficient internal amenity to future residents of Building B. If the proposal was to comply with the Foreshore Building Line it would significantly reduce the floorplate of Building B and a high level of amenity would be difficult to achieve;*
- The slight encroachment of the Foreshore Building Line will improve public access to the riverfront prepare and the land for the future Council boardwalk along Georges River; and*
- The proposal incorporates a 30m riparian setback zone which is consistent with the Foreshore Building Line within the LLEP 2008. The riparian zone is heavily infested by weeds and is to be rehabilitated with the removal of the weeds and planting of native vegetation. Within the 30m riparian setback there will be no development proposed in the inner 50% of the zone while the slight encroachment of the outer 50% is offset by connecting an equivalent area to the riparian corridor within the development site.*

The proposed development is consistent with the objective and requirements of the Foreshore Building Line standard:

- Redevelopment of the site for residential dwellings and local retail uses contributes to achieving the zone objectives for the R4 zone and implementing Council's vision for the Liverpool City Centre. The development will provide high quality residential development and contribute towards Liverpool Council's housing targets. The development will also provide local business services and employment opportunities through the adaptive reuse of the Heritage Mill Building;*
- The subject area is undergoing transition from low-density industrial to high-density residential. Although not strictly compatible with the existing surrounding area, it will be compatible in appearance with the surrounding area once developed, including the proposed development at 28 Shepherd Street, which is currently being assessed. Importantly, the proposed development is compatible with the current R4 zoning, for high-density residential development;*
- The development has been sensitively designed and is accompanied by a number of specialist environmental reports including stormwater and fauna and Riparian management to ensure it will not cause environmental harm. The vegetation in the current foreshore area currently comprises of mainly noxious and environmentally invasive weeds and vines. The redevelopment of the site will allow the riparian component of the riverbank to undergo best-practice bush regeneration and rehabilitation, which will improve the health of the ecosystem and surrounding vegetated areas. This will improve the environmental outcomes of the existing area;*
- The subject site is separated from the waterway by a steep bank. The development will not cause congestion or generate conflicts between people using open space areas or the waterway; and*
- The proposal has been assessed both in terms of European and Aboriginal heritage and is found to be acceptable. This has been discussed in detail in previous Heritage Reports submitted to Council in support of the application.*

Under Clause 7.9 (2), development within the foreshore building line is permitted when: (a) the levels, depth or other exceptional features of the site make it appropriate to do so. In this instance, the level of the site sits above the foreshore, and due to its former industrial use, the site has been significantly developed and altered over time. Therefore, the portion of the site within the foreshore building line adds no value in its current form to the vitality or quality of the river.

The building encroachment has been addressed using clause 4.6 Exceptions to development standards. The encroachment at the eastern corner of Building B is considered acceptable on the basis that the majority of Building B is set well back in excess of the required 30metre foreshore building line and in light of the site constraints from the Heritage Building. 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.*

Furthermore, the application was referred to the DPI water (formally known Office of Water) who provided their General Terms of Approval (GTA) issued and a Controlled Activity Approval (CAA).

Aboriginal Heritage

The subject site would have contained significant natural resources (water sources) and due to this Aboriginal Settlement is likely. The provision of an Aboriginal cultural heritage assessment of the subject lot is of limited value as a result of extensive disturbance for 150 years. The potential for Aboriginal cultural heritage is within Mill Park Reserve which was not fully assessed, however as development in this foreshore area has been removed from this (amended) DA no further consideration is required. Care must be taken during construction to not encroach into the foreshore area, which will be imposed as a condition of consent.

An Aboriginal Cultural Heritage Due Diligence Assessment was submitted with the application, refer to **Attachment 19**.

No specific areas of Potential Aboriginal Archaeological Sensitivity relative to the proposed works have been identified in the course of preparing this report. As the proposed construction works are limited to areas of high disturbance. There is no likelihood that the proposal will impact any unidentified Archaeological deposits. It is considered that no further action is necessary regarding Aboriginal Heritage within the Development Area.

It is noted that the above assessment is limited only to Lot 1 of Deposited Plan 247485. Should any subsequent works occur within the foreshore area, it is recommended that additional assessment in relation to Aboriginal Cultural Heritage be undertaken.

The Aboriginal cultural heritage assessment incorrectly notes that Darkinjung LALC should be consulted if Aboriginal objects are found. Gandangara LALC is the pertinent land council.

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

The following draft Environmental Planning Instruments applies to the site,

(a) Draft Liverpool Local Environmental Plan 2008 Amendment No. 52 (RZ-10/2015)

Draft LEP 2008 amendment No. 52 is a Council initiated planning proposal seeking to review the development standards of the Liverpool City Centre with the purpose of facilitating an urban form that responds to the character of the specific precinct and is able to incorporate different building typologies and offers a range of economic opportunities. The planning proposal is intended to act as a facilitator to mixed-use growth in Liverpool City Centre and does not relate to any specific development. The adequacy of infrastructure for any specific development proposed pursuant to this planning proposal would be assessed as part of a development application.

A critical part of the plan is to provide proportionate development standards to allow height and FSR to better relate resulting in workable and desired building density outcomes, improve access to and connectivity within Liverpool City Centre, Council intends to extend laneways through to streets so that there are clear sight lines and create arcades and cross block links. Other upgrades to infrastructure (the provision of further electricity substations, the possible undergrounding of electricity cables) will progress over time as necessary.

With regards to the subject application, it facilitates an urban form that responds to the character of the specific precinct and is able to incorporate different building typologies and offers a range of economic opportunities in the city centre, which supports the intention of amendment No 52.

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

Part 1 - General Controls for all 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.

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT			
CONTROLS		PROVIDED	COMPLIES
2.	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 subject to conditions
3.	LANDSCAPING	The proposal provides a detailed landscape plan and design that includes a Landscape Design report.	Yes
4.	BUSHLAND AND FAUNA HABITAT PRESERVATION	The subject site contains bushland or fauna habitat. A Riparian, Assessment and Management report and an Arborist Report was submitted, which are considered acceptable. 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
5.	BUSHFIRE RISK	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> '.	Yes

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT

	The NSW Rural Fire Service has issued its BSFA with no conditions.	
6. WATER CYCLE MANAGEMENT	<p>The proposed development provides a stormwater and hydraulic design. 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>	Yes
7. 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> <p>The proposed development is considered to be acceptable in terms of its impacts on the river.</p>	Yes
8. EROSION AND SEDIMENT CONTROL	<p>The proposed provides a soil and erosion control measures including</p> <ul style="list-style-type: none"> • sediment and erosion control silt fence • Temporary Construction Vehicle Entry consisting of a 15m long by 3m wide 'cattle rack'. • Stormwater pump out if required • Dust control measures that appears to be acceptable to Council. Conditions will be imposed regarding this matter. 	Yes
9. 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
10. 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</i></p>	Yes

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	<i>address the elevated levels of heavy metals TPH, benzene, PAH and asbestos in the soil’.</i>	
11. SALINITY RISK	The Salinity Map for Western Sydney (2002) identifies the site in an area of ‘moderate’ salinity. 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.	Yes
12. ACID SULFATE SOILS RISK	The subject site is identified as Class 5 on the Acid Sulphate Soils Map. A Geotechnical Assessment has been submitted, which confirms no special building measures are required as the proposal will not be substantially affected by Acid Sulphate Soils.	Yes
13. WEEDS	Due to the Environment Restoration Plan in place, it is recommended that all works in Lighthorse Park be excluded from this DA.	Yes, no works are proposed within Council’s Reserve along the Georges River
14. 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
15. ON-SITE SEWERAGE DISPOSAL	The subject site does not require on-site sewerage disposal as the area has access to sewer.	N/A
16. 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 another heritage item, namely: Lighthorse Park (Item 70). The heritage report has identified a long industrial use of the site thus limiting any potential aboriginal heritage on site. An Aboriginal Cultural Heritage Due Diligence Assessment was submitted with DA, which has been assessed by Council’s heritage advisor as satisfactory.	Yes
17. 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 heritage item, namely: Lighthorse Park (Item 70). The applicant has submitted a Statement of Heritage Impact, which has been assessed by	Yes

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	Council's heritage advisor as satisfactory.	
18. NOTIFICATION OF APPLICATIONS	The development application has been advertised in accordance with this component of the DCP. One submission was received during the exhibition periods, which is addressed later in this report.	Yes
20. CAR PARKING & ACCESS	Controls for car parking and Access are outlined in the Part 4 – Development in the Liverpool City Centre.	Yes
21. WATER CONSERVATION	Controls for Water Conservation are outlined in the Part 4 – Development in the Liverpool City Centre.	Yes
22. ENERGY CONSERVATION	Controls for Energy Conservation are outlined in the Part 4 – Development in the Liverpool City Centre.	Yes
25. 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
26. OUTDOOR ADVERTISING	No advertising structures are proposed as part of the	No advertising structures are proposed as part of the application

PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
CONTROLS	PROVIDED	COMPLIES
BUILDING FORM		
BUILDING TO STREET ALIGNMENT AND STREET SETBACKS		
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. The proposed development is setback 6 metres from Atkinson Street. No change is proposed to the Shepherd Street boundary, bounded by the heritage listed Woollen Mills building.	Yes
STREET FRONTAGE HEIGHTS		

PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
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 53m (6 - 16 levels)	No – refer to Clause 4.6 variation
BUILDING DEPTH AND BULK		
500m ² maximum floor plate sizes and depth of buildings above 25m in height for residential development.	The proposed tower form will have a floor plate of 700sqm to 840sqm.	This is considered acceptable on merit given the tower form is designed as variation to the height standard. The proposed depth and floor plate will not result in any adverse impacts on future occupants and the surrounding area, including in relation to overshadowing of the public domain
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:		

PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
<p>Residential up to 12m in height:</p> <ul style="list-style-type: none"> - Habitable rooms: 6m side and rear setback - Non-habitable: 3m side; 6m rear. <p>Residential between 12 – 25m height:</p> <ul style="list-style-type: none"> - Habitable room: 9m side and rear - Non-habitable: 4.5m side; 6m rear. <p>6 metres for 25-35 metres in height.</p>	<p>Building B is 1.5-4.5 metres from the southern side boundary. In this instance, the proposed setback is considered appropriate as it allows for a strong built edge to the river foreshore, whilst opening up the site between Buildings A and B. The primary outlook for apartments closest to the side boundaries is east or west, rather than south, therefore not constraining future development from achieving a similar setback on the opposite side of the southern boundary.</p>	No
SITE COVER AND DEEP SOIL ZONES		
<p>SITE COVER The maximum site cover for development in residential zones is 50%.</p> <p>DEEP SOIL ZONES 15% deep soil zone plantings should be provided.</p>	<p>Site Coverage (comprising buildings, driveways, parking , paths, bin & bicycle rooms) - the proposed development has a site coverage of 76% or 7515m².</p> <p>Deep soil zones - 18.6%</p>	<p>No – refer to discussion below</p> <p>Yes</p>
AMENITY		
<p>FRONT FENCES Front fences are to be designed to not present as a solid edge to the public domain.</p>	<p>Boundary fencing is proposed – combination of solid and palisade styles.</p>	Yes
<p>SAFETY AND SECURITY</p> <p>Ensure building design allows for passive surveillance.</p> <p>Maximise the number of residential front door entries at ground level.</p> <p>Provide entrances which are visually prominent positions.</p>	<p>Passive surveillance of internal areas provided by buildings overlooking ground level car park areas and pathways.</p> <p>Predominantly buildings accessed via ground level.</p> <p>Entrances designed as lobbies with visually prominent building elements.</p>	Yes
<p>AWNINGS Weather protection to entrances is required.</p>	<p>The main street entry to the residential buildings is the eastern entry of Building A. This area will be appropriately weather protected with a canopy projecting above the entry.</p>	Yes

PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
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"> - 1 space per 2 studio apartments; - 1 space per 1 or 2 bedroom apartments; - 1.5 spaces per 3 bedroom; - 1 space per 10 units for visitors - 1 space per 40 units for service vehicle - 1 space per 100 sqm of floor area 	A total of 250 apartments is proposed: <ul style="list-style-type: none"> • 5 Studio apartments (10 spaces required) • 69 one bedroom and 160 two bedroom (229 spaces required). • 16 three bedroom proposed (24 spaces required) • 25 spaces required for visitors. • 6 spaces required for service vehicles Total Required: 294 spaces It is proposed to provide 313 car parking spaces within two basement levels, as follows: <ul style="list-style-type: none"> • 25 accessible parking spaces (included in the 313 car parking spaces); • 1 car wash bay; and • 1 van bay for small trade vehicles. • <u>19 spaces are also provided for future retail within Woollen Mill.</u> The proposed parking meets the minimum required spaces for residential as well as the future retail.	Yes
1 motorcycle space per 20 car spaces (15 required) 1 bicycle space per 200m ² (24,682m ² GFA) = 123 spaces	19 motorcycle parking spaces; Bicycle storage proposed in secure storage areas. Total 123 spaces.	Yes Yes
ENVIRONMENTAL MANAGEMENT		
ENERGY EFFICIENCY AND CONSERVATION New residential development is to comply with BASIX	BASIX certificates and report accompany the development application.	Yes

PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
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	A wind mitigation report has been submitted and is considered acceptable.	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 but access to these areas to be demonstrated	Yes
FLOOD PLAIN AND WATER CYCLE MANAGEMENT	A flood report has been submitted, which has been assessed by Council's Flooding section. Further info required to enable assessment.	Yes
CONTROLS FOR RESIDENTIAL DEVELOPMENT		
6.1 Housing Mix		
<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"> - 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 to be less than 10% of the total mix of units within each development, and <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>250 apartments proposed.</p> <ul style="list-style-type: none"> 5 x studio 20 x 1 bed = 8% 49 x 1 bed + = 20% 10 x 2 bed = 10% 150 x 2 bed + = 60% 16 x 3 bed + = 6% <p>10% of apartments are proposed to be adaptable.</p> <p>25 disabled parking spaces will be provided and access paths to the communal space will be suitable for disabled access.</p> <p>There are 25 proposed adaptable units with an access report provided.</p>	<p>Yes</p> <p>No, 3 bedroom units being less than 10%. Refer to discussion below</p> <p>Yes</p>

PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
6.2 Multi Dwelling Housing	This section applies generally to town houses	N/A
Facades and setbacks.	N/A	N/A
Units with ground level access: Private Open space ground-level area totaling 40 sqm.	N/A	N/A
Communal open space	N/A	N/A
Parking and driveways	N/A	N/A
7. Controls for Special Areas		
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"> - Heritage Interpretation Strategy - Conservation Management strategy - Statement of Heritage Impact. 	Yes

DCP Variations

The assessment has identified a number of variations, namely:

Site Cover

Comment: The required maximum site cover is 50% the development proposes 76%. As discussed previously in this report the development has sought to retain the existing heritage building, 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 which considering the arguments proposed by the applicant in the design philosophy is not reasonable and consequently a variation is supported in this particular instance.

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

Apartment mix

Despite that 6% of the units are 3 bedrooms, the proposal still offers apartments with a mix of studio, one, two and three bedrooms, which appeals to a wide range of household types and budgets. This apartment mix is generally in accordance with the RFDC and SEPP 55. The proposal still achieves 25 of the apartments to be dedicated for adaptable use for people with disabilities and are distributed throughout the buildings.

On this basis, it is considered that the proposal can be supported in this particular instance.

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

No planning agreement relates to the site or proposed development.

6.5 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.

6.6 Section 79C(1)(a (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

There are no or there are Coastal Zones applicable to the subject site.

6.7 Section 79C(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

Built Environment

The introduction of high 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 for an increased density.

This view is generally supported by Council's Heritage advisor who has stated that:

- *A hard, linear edge to the trussed pathway to the river was requested. The buildings should be parallel to create a strong line and respect the orthogonal nature of the historic industrial site. This is in keeping with other comments about development in the vicinity of the former mill building;*
- *The “streamlining” of the upper portion of Building A is supported as it creates a more regular backdrop for the historic building;*
- *The new landscape scheme is supported in general terms as it interprets the industrial character and history of the site;*
- *The removal of existing trees on the western boundary of the site is supported as they don’t constitute original landscape elements and do not contribute to significance. Further, they will allow full visual access to the significant Shepherd Street façade and is supported;*
- *The roof top gardens have maintained the curvilinear form of the original landscape design. Although this is at odds with the industrial character of the historic place, it would not be visible from the public domain or the historic structure and therefore would not generate a negative heritage impact;*
- *Similarly the kitchen gardens incorporated into the rooftop gardens are domestic in character, not industrial. However for the reasons advanced above are considered acceptable;*
- *I reiterate that the public art planned for the north-west corner of the site should be part of the interpretation strategy and contribute to the understanding and celebration of our industrial heritage;*
- *The use of recycled paving is supported. It would be ideal if salvaged brickwork from the 1950s and 1970s buildings is reused for this purpose;*
- *The reuse of trusses in the arbour is supported as an interesting interpretative device that retains original fabric on site;*

- *In terms of planting schedules, historically there was limited vegetation on the site as it was an industrial complex. The proposed planting schedule is a mix of natives and exotics. No information has been provided which shows any connection with the history, character or use of the site however, in my opinion, this aspect of the proposal wouldn't generate a negative heritage impact and is part of the adaptive reuse of the place;*
- *An updated scope of works has not been provided, although it is referred to in the additional information reviewed;*
- *No notation on TKD plans is visible addressing the query relating to propping of the norther roof of the former mill building during excavation. This should be covered in the amended Scope of Works noted above; and*
- *The new conservation strategy for the timber sash windows on the western façade is supported.*

I reiterate that full occupation of heritage places is encouraged for ongoing conservation where the historic use is no longer viable and that adaptive reuse requires some alteration to a heritage place. I am of the opinion that the subject proposal will generate a negative impact on the setting of the place and there will be (and has already been) a loss of original fabric. However, the adaptive reuse of the historic building as part of the proposal will facilitate ongoing conservation. On balance, the proposal is supported.

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 throughout the site.

Natural Environment

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

The site has been identified as containing known contaminates within the soil that could impact upon the groundwater and a Remediation Action Plan (RAP) has been submitted 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.

Council's Sustainable Environment have advised no issues raised regarding ecological or riparian matters if the DA is undertaken in accordance with comments provided by the NSW Office of Water and Fisheries NSW.

Fisheries NSW have advised that this development does not trigger integrated development referral under the Fisheries Management (FM) Act. The application is nominated integrated for the purpose of Water management Act 2000 and DPI Water will be the concurrence authority. However, Fisheries NSW have provided comment on works within the riparian zone, especially regarding potential long term impacts to the aquatic environment.

Note: Works within riverbanks that are conducted are likely to trigger integrated development referral under s.200 of the Fisheries Management Act, and a permit from Fisheries is likely to be required for such works.

Office of Water

1. *The General Terms of Approval (GTA) issued by DPI Water is not an objection to the integrated DA 2014/1010, however, the applicant needs to comply with all the GTA before DPI Water can issue the Controlled Activity Approval (CAA) and, if required a dewatering licence, and before the proposed construction works can commence.*
2. *The covering letter for the issued GTA, dated 14 September 2015, raised some general concern regarding developments on waterfront land for the Georges River which relate to this and future, similar development. DPI Water would not support encroachment to Council's Building Foreshore Line, which are activities on waterfront land, for similar future development on the Georges River (point 4 of the letter).*
3. *The applicant may need to address, at this stage, the issues raised by the GTA for the construction dewatering and the requirement for the authorisation for the dewatering licenses .Officer Greg Russell of this Department can be contacted regarding aquifer Interference issues on telephone 88387804, e-mail: greg.russell@dpi.nsw.gov.au*
4. *DPI Water will support any attempt by the applicant, or Council, to amend the DA to reduce the encroachment of the underground structure to the Council's Foreshore Building Line so that the environmental impact of the waterfront land and the Georges River system is minimised. This will also be supported by DPI Fisheries.*

On the above basis the proposal is considered acceptable as is in accordance with the type of development envisaged for the site under LLEP 2008. The development will have positive social and economic benefits in terms of creating additional resident population to support local businesses and services and will provide greater housing choice within the Liverpool local government area. The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.

(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.

It is noted that Part 1 of LDCP 2008 was amended on 26 August 2015 to include Chapter No.27 *Social Impact Assessment* which requires the submission of a comprehensive Social Impact Assessment for any high density development proposing over 100 units. As this application was lodged prior to this amendment, it is considered unreasonable to require a Social Impact Assessment to be submitted at this late stage of the assessment process.

Notwithstanding the above, it is considered that the proposed development is generally consistent with the objectives of Chapter 27 of Part 1 LDCP 2008, in that the development will result in positive social impacts by encouraging communities where people want to live and enjoy due to the good amenity provided by the adjoining river and public recreational space; as well as enabling the potential for the existing heritage item to be used in a manner which would complement nearby residential and industrial uses.

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	\$27,342
Whitlam Centre Extensions	\$20,194
District Community Facility upgrade (Central area)	\$26,068
Woodward and Collimore Parks	\$122,673
Georges River Foreshore	\$858,708
Bigge Park	\$184,009
Pioneer Park	\$184,009
Access – car parks, bridge link, bus priority	\$0
<u>TOTAL</u>	<u>\$1,423,002</u>

6.8 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 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, 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.

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

(a) Internal Referrals

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

Internal Department	Status and Comments
Building	No objection, subject to conditions
Landscaping	No objection, subject to conditions
Environmental Health	No objection, subject to conditions
Land Development Engineering	No objection, subject to conditions
Traffic Engineering	No objection, subject to conditions
Flooding	No objection, subject to conditions
Property	No objection, subject to conditions
Landscaping	No objection, subject to conditions

Internal Department	Status and Comments
Bushland and Weed Management	<p>The Environment Restoration Plan is Council's Environment Levy Program and has been operating since 2002. One aspect of the program delivers Bush Regeneration projects. In 2005 the Lighthorse Park riparian vegetation, along the banks of the Georges River, was selected as a site. The works involved noxious and environmental weed control, slashing, mulching and planting. Much of the current vegetation on site can be attributed to the planting that was completed in 2005/2006.</p> <p>Council teams have continued to maintain this area of the park for the past 8 years, undertaking additional planting to increase site biodiversity. We are now seeing recruitment and regeneration of native seedbanks across the site.</p> <p>Continuous riparian vegetation along the riverbank is important for flora, fauna and water quality.</p> <p>On this basis it is recommended that all works in Lighthorse Park be excluded from this DA.</p> <p>If improvement works must occur, than all work should be confined to the western side of the footpath and would be the subject of a separate application. This will ensure that damaged is minimised to Council Bush Regeneration works.</p> <p>The boardwalk no longer forms part of the subject application. A Planning Proposal has been lodged RZ-17/2015, which includes proposed works within Council's reserve.</p>
Flora/Fauna (Natural Environment)	No objection, subject to conditions and comments from Office of Water and NSW Fisheries
Access Committee	No objection, subject to conditions
Heritage	No objection, subject to conditions
Design Review Panel	Recommended modifications were advised to be made to the proposal. The applicant has made some of the recommended changes in revised plans dated 11 November 2014. These are considered satisfactory.
City Architect /Strategic	Requested changes to be made to the building design. These changes were made and satisfactorily address the concerns raised by the City Architect.

(b) External Referrals

The following comments have been received from External agencies:

External Department	Status and 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.
NSW Fisheries	Satisfactory subject to Office of Water comments
Endeavour Energy	Satisfactory subject to conditions of consent
Sydney Water	Satisfactory subject to conditions of consent
Bankstown Airport	<p>The proposal has been referred to Bankstown Airport in accordance with the requirement of Clause 8 of the Airports (Protection of Airspace) Regulation 1996 as the development may be a 'controlled activity' (a building which is proposed within 'prescribed airspace').</p> <p>To date no written comments have been provided. However, there is no impediment to determining the proposal as there is no requirement under the Environmental Planning Assessment Act or Regulation for concurrence, nor is the issue of Airport referrals an Integrated matter under S91 of the Act.</p> <p>The above requirements will be imposed as condition of consent.</p>

(c) Community Consultation

In accordance with Liverpool Development Control Plan 2008, the application was advertised for 40 days (Christmas period) between 10 December 2014 and 19 January 2015 and the amended application for a period of 14 days between 26 August 2015 and 10 September 2015. One submission was received during these periods. 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 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, however 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: Works done prior to development consent

Comment:

The applicant was made aware of this matter and appropriate enforcement action has taken place to address the partial demolition of the Heritage item. Additional information was requested to enable a proper heritage assessment, including a detailed conservation strategy and schedule of conservation works for the historic building and revised architectural and landscape plans.

Council's heritage advisor has reviewed the additional information submitted by the applicant and has advised that the adaptive reuse of the historic building as part of the proposal will facilitate ongoing conservation. The proposal is supported subject conditions.

ISSUE 3: Privacy impacts, character of building with site context

Due to the allowable scale of development, compared to that existing and adjoining properties, there will be a contrast in the built form, bulk and scale. Notwithstanding this, the design approach taken has between this development and existing developments to locate the greater scale and density towards the north and eastern parts of the site addressing the Georges River and away from the existing residential flat buildings.

The design approach is intended to mitigate potential direct overlooking impacts, although some overlooking is inevitable in a high density redevelopment in this location. The additional floor space and building height proposed, over and above the development standards has no direct amenity impacts by way of overlooking or loss of privacy to adjoining properties.

ISSUE 4: Flooding impacts

Comment:

Council's Flooding Engineer has assessed the flooding impacts as follows, subject to conditions of consent.

The proposed development is affected by flooding from the Georges River. The site is partially affected by the 1%AEP medium risk flood zone and the remaining area is affected by the PMF - low risk flood zone. The proposed development involves construction of two (2) residential towers with basement parking and renovation of the existing heritage building for the use of commercial use. Parts of Building A and Building B are affected by the 1%AEP flood. Access to the basement carpark is affected by the 1%AEP flood.

In order to mitigate adverse impact of flooding, the developer has proposed all habitable floors to be located above the 1%AEP flood level with 500mm freeboard in accordance with Council flood policy, which is considered satisfactory. Section of the building affected by medium risk flood zone proposed to be elevated above the existing ground level to ensure there is no loss of flood storage volume, which is considered satisfactory.

Access to the basement car parking area is affected by 1%AEP flooding. Northrop flood assessment report has proposed to raise the access level above the 100 year flood level to mitigate adverse impact of flooding, which is considered satisfactory.

Northrop report has proposed a number of measures to address the potential flood impacts to occupants and users of the buildings and facilities to ensure timely evacuation of vehicles and possessions including flood warning system. The applicant is required to submit a detailed flood protection and evacuation strategy.

Northrop report has proposed stormwater pollution treatment strategy to reduce pollution in stormwater discharge from the development site. The applicant is required to submit a detailed stormwater quality treatment plan in line with the principles of WSUD including water quality model MUSIC confirming pollution reduction targets are achieved in accordance with Council DCP.

Given the above, the proposed development is not considered to have significant impact on flooding and water quality.

ISSUE 5: Traffic and Access impacts

Comment:

The traffic generated by the development is capable of being accommodated within the local street system, as detailed in the Traffic and Parking Report included with the application.

The subject site is located within Liverpool City Centre and is well serviced by public transport and readily accessible to services and facilities for pedestrians residing within the development. Council's Traffic engineering department has reviewed the proposal as satisfactory, subject to standard conditions of consent.

ISSUE 6: Removal of trees that exist is along the river and in Lighthorse Park

The subject application no longer extends to any works outside the site boundaries and therefore no trees are proposed to be removed along the river or within the Lighthorse Park. The trees proposed to be removed are all located within the subject site and their proposed removal is acceptable by Council's Environment Section.

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

The proposed development is consistent with the zoning of the land and would represent a high quality development for Liverpool. The development provides additional housing opportunities within close proximity to employment opportunities and public transport. Moreover, the proposal involves works which would redevelop a key site at the southern entrance to Liverpool City Centre.

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

7 CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.

- The Development Application seeks development consent for a residential development at 20 Shepherd Street, Liverpool.
- The proposal is consistent with the objectives of the R4 High Density Residential zones that are applicable to the site under the LLEP. The proposal is also consistent with the objectives of the floor space ratio and building height development standards despite the numerical non-compliance. The application is supported by requests to vary these development standards in order to accommodate the form, scale and density proposed.
- The proposal substantially complies with the provisions of the LDCP 2008. There are variations proposed to some development standards, however these are considered acceptable on merit.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the Residential Flat Design Code. The scale and built form is consistent with the desired future character of the area that is envisaged under the LLEP and LDCP.
- The development will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings.
- The application was referred to a number of external authorities with no objections raised, subject to imposition of conditions.
- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site. The development is in accordance with the zone objectives, LLEP draft amendment 52 and the master planning exercise for proposed the precinct.

It is for these reasons that the proposed development is considered to be satisfactory and notwithstanding the submissions received, the subject application is recommended for approval, subject to conditions.

8 ATTACHMENTS

- 1. Amended Plans and Landscape plan of the proposal**
- 2. Submission**
- 3. Clause 4.6 Variation Written Justification to FSR**
- 4. Clause 4.6 Variation Written Justification to Height**
- 5. Building Height Strategy**
- 6. Clause 4.6 Variation to Building Foreshore Line**
- 7. Design Review Panel Report**
- 8. Heritage Impact Assessment**
- 9. Schedule of Conservation Works & Heritage Specifications**
- 10. Applicant response to issues raised**
- 11. Riparian and Fisheries Assessment**
- 12. NSW Fisheries comments**
- 13. NSW Office of Water comments**
- 14. Sydney Water comments**
- 15. Design Verification Statement**
- 16. Remedial Action Plan**
- 17. Recommended conditions of consent**
- 18. Draft LLEP 2008 amendment No. 52**
- 19. Aboriginal Cultural Heritage Due Diligence Assessment**
- 20. Clause 4.6 variation to Building Separation**