

## Statement of Environmental Effects

DEMOLITION OF EXISTING SITE IMPROVEMENTS AND THE CONSTRUCTION OF A 7-9 STOREY SHOP TOP HOUSING DEVELOPMENT CONTAINING 426.9M<sup>2</sup> OF COMMERCIAL GROUND FLOOR SPACE, 145 RESIDENTIAL UNITS WITHIN TWO BLOCKS OVER A PODIUM LEVEL COMMUNAL OPEN SPACE, AND 380 AT-GRADE AND BASEMENT PARKING SPACES AT 90 CARTWRIGHT AVENUE, MILLER.



*Prepared by: Think Planners Pty Ltd*

*Document Date: 20 January 2015*

*Council: Liverpool City Council*

*Consent Authority: Sydney West JRPP: Works > \$20m*

## QUALITY ASSURANCE

**PROJECT:** Statement of Environmental Effects – 7-9 Storey Shop Top Housing Development

**ADDRESS:** Lot 2 and 4 DP 219028 and Lot 2 DP 545358: 90 Cartwright Avenue, MILLER

**COUNCIL:** Liverpool City Council

**AUTHOR:** Think Planners Pty Ltd

**CONSENT AUTHORITY:** JRPP as CIV is \$30,925,264

Date	Purpose of Issue	Rev	Reviewed	Authorised
08 December 2014	Draft Issue	Draft	PMcM/JW	JW
20 January 2014	DA Lodgement Issue	Final	JW	AB

<b><i>Integrated Development (under S91 of the EP&amp;A Act). Does the development require approvals under any of the following legislation?</i></b>	
<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mine Subsidence Act 1992</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>No</i>
<i>Water Management Act 2000</i>	<i>No</i>
<b><i>Concurrence</i></b>	
<i>SEPP 1- Development Standards</i>	<i>No</i>
<i>SEPP 64- Advertising and Signage</i>	<i>No</i>
<i>SEPP 71 – Coastal Protection</i>	<i>No</i>
<i>SEPP (Infrastructure) 2007</i>	<i>YES<sup>1</sup></i>
<i>SEPP (Major Development) 2005</i>	<i>No</i>
<i>SREP (Sydney Harbour Catchment) 2005</i>	<i>No</i>

<sup>1</sup> – The proposed development is identified as a Traffic Generating Development as per Schedule 3 of the SEPP 2007 and as a result it is anticipated that Council will seek formal concurrence with the RMS.

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## 1. Executive summary

This Statement of Environmental Effects has been prepared in support of a Development Application for the demolition of existing improvements on site and the erection of a 7-9 storey 'Shop Top Housing' development. The proposal will comprise 426.9m<sup>2</sup> of commercial ground floor space, 145 residential units within 2 residential blocks over the podium level communal open space and a total of 380 car parking spaces at-grade and within the basement levels at 90 Cartwright Avenue, Miller. The proposal will contain the following dwelling mix:

- 26 x 1 bedroom units (18%);
- 107 x 2 bedroom units (74%); and
- 12 x 3 bedroom units (8%).

Situated within the north eastern corner of the 'heart' of the Miller Town Centre, the development site relates to an irregular shaped section of the overall allotment that currently contains at-grade car parking for the existing shopping centre development. The proposed development site is located at the junction of Cartwright Avenue and Woodward Crescent to the south west adjacent the round about intersection of Cartwright Avenue and Heckenberg Avenue and approximately 240m south east from the roundabout intersection of Cartwright Avenue and Busby Road. The proposed development site is afforded vehicular access via three existing vehicular crossovers noting its corner location with access and egress provided via Cartwright Avenue and Woodward Crescent.

The development site comprises one large allotment with a total site area of 25,908m<sup>2</sup>. The development site is zoned B2 Local Centre under the Liverpool Local Environmental Plan 2008 and 'Shop Top Housing' is permissible with consent within the B2 Zone. The proposal has been designed to comply with the permitted 1.7:1 FSR but will incorporate a Clause 4.6 Variation to the permitted 21m maximum building height to ensure that a strong and identifiable building form commensurate to the prominent corner location is achieved that will help to provide a population density to sustain and support the viability and function of this local centre. This aligns with Urban Design comments received by Councils Urban Design Panel.

The development seeks to utilise the land in accordance with the zoning and take advantage of its strategic location and to provide a landmark development within Miller to spur future redevelopment in the locality. The provision of a landmark and gateway development on the site is hoped to stimulate further investment into the area to provide improved services and facilities to residents and also continue to provide for housing options for individual owners and private investors to partly address the imbalance in housing stock in Miller- that is focused heavily on public housing.

By providing commercial floor space and alternative residential accommodation opportunities, the proposal will contribute towards revitalising the subject area and will increase employment opportunities both during construction and upon completion. Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well located land; the application is submitted to Council for assessment.



## 2. Site Description

The subject site is legally described as Lot 2 and 4 DP 219028 and Lot 2 DP 545358 but is more commonly known as 90 Cartwright Avenue, Miller. The subject site is a large 2.59ha site that primarily accommodates the Miller Shopping Complex and ancillary parking facilities, being a substantial development that contains a variety of commercial and retail land uses and is located within the heart of Miller. The proposed development site relates to an irregular shaped section of the overall allotment situated within the north eastern section of the existing large land parcel at the junction of Cartwright Avenue and Woodward Crescent to the south west adjacent the round about intersection of Cartwright Avenue and Heckenberg Avenue and approximately 240m south east from the roundabout intersection of Cartwright Avenue and Busby Road. The proposed development site is afforded vehicular access via three existing crossovers noting its corner location with access and egress provided via Cartwright Avenue, access and egress via Woodward Crescent to the east and egress only via Woodward Crescent to the south.

The subject site currently contains at-grade car parking facilities for the existing shopping centre development. The site is predominantly cleared of vegetation noting its commercial use, however, there are some trees located within the parking area and along the site's boundaries. The existing trees are proposed to be removed to accommodate the proposed development with landscape embellishment works proposed in place of the existing landscaping that have been designed to help soften the built form of the proposal whilst providing high quality amenity and street presentation for the subject site and future residents. The aerial image below shows the existing and immediate context of the subject site.



Image 1: Aerial Map of Subject Site

The development site comprises one large allotment of 25,908m<sup>2</sup> with a 275m frontage to Cartwright Avenue and a total frontage of 375m to Woodward Crescent. As indicated on

the aerial photograph the site contains the Miller shopping centre and large areas of at grade parking to the eastern portion of the site.

The existing use of the eastern portion of the subject site for at-grade car parking only represents an underutilisation of this section of the overall site noting the prominent corner interface and noting that the B2 Local Centre zoning permits higher density mixed use developments that can accommodate the existing car parking facilities whilst improving street level activation and legibility of the area for pedestrians and residents. It is noted that the proposal provides for sufficient parking for the centre and new development within the basement and at-grade parking areas proposed.

As outlined above, and as evident in the extract below, the subject site is zoned B2 Local Centre under the Liverpool Local Environmental Plan 2008. 'Shop Top Housing' is permissible with consent within the B2 zone. In addition, the subject site is permitted a maximum building height of 21m and a maximum FSR 1.7:1 under the provisions of the LLEP 2008.

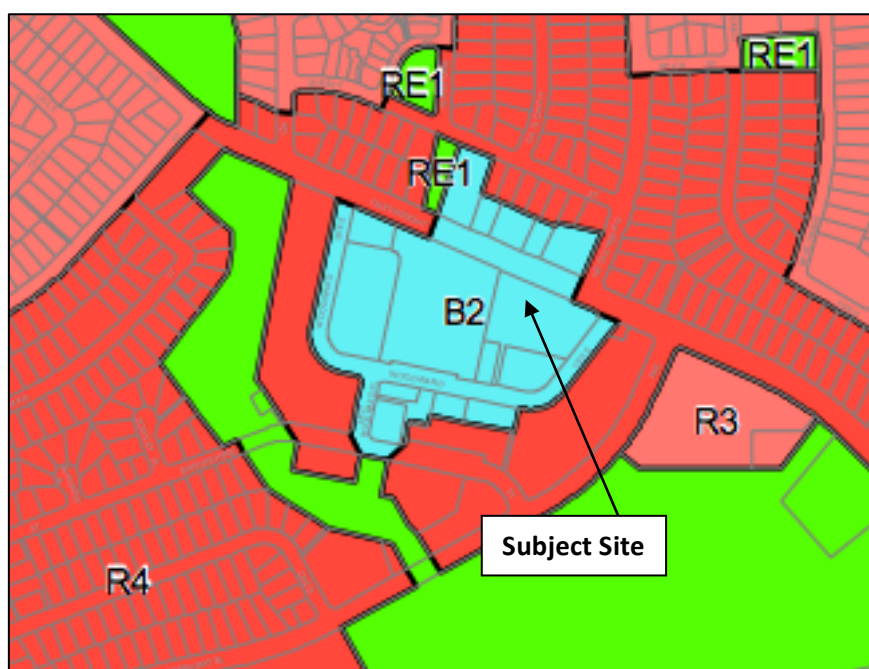


Image 2: LLEP 2008 – Zoning Map Extract

As evident in the extract above, the subject site is located at the eastern section of a large B2 zoned block, which forms part of the Miller Town Centre. The B2 zoned block is bound by R4 High Density residential land to the north, south, east and west and the wider locality contains a mix of commercial and residential land uses. It is noted that the developments within the area comprise a variety of building heights, architectural styles and ages. Furthermore, a large area of RE1-Public Recreation zoned land that benefits the residents of the area and will also benefit the future residents of the proposed development services the area.



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The portion of the site associated with the proposed development is bound by Cartwright Avenue to the north, Woodward Crescent to the east, a hotel, a commercial unit and Woodward Crescent to the south and a service lane and the shopping centre to the west.

The aerial photograph below demonstrates the site's location within the broader locality.



**Image 3: Broader Locality Maps (Source: Googlemaps)**

The proposed high density mixed use development will align with the principles of urban consolidation which seek to ensure the efficient use of community infrastructure by providing higher density development at strategic locations, noting that the site is located within the 'heart' of the Miller Town Centre and the area is serviced by local bus stops with services to/from Parramatta, Liverpool, Bonnyrigg, West Hoxton and Heckenberg. It is further noted that important arterial roads such as the M7 Westlink, Elizabeth Drive, Cowpasture Road and Hume Highway service the wider locality.

The Sydney Metropolitan Strategy also supports higher density mixed use residential and commercial development in strategic locations to accommodate future population growth. Subsequently, the subject site is ideal for urban intensification noting its above-mentioned strategic location, which is reinforced by the existing shopping centre that can provide essential services to future residents and the proximity of the site to educational, medical and recreational opportunities. It is also noted that the proposed higher density mixed use development will align with the desired future character of the precinct by providing consistent setbacks and a more attractive built form to enhance its compact mixed use nature and to help define the town centre precinct and street edges.

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In addition, the increased housing options and ground floor commercial floor space will augment patronage of the area to support the existing businesses and maximise use of the local bus services. The proposal will on balance help to revitalise the area and in conjunction with similar future developments will ensure that the Miller Town Centre will be a vibrant place with a variety of commercial uses to service the day-to-day needs of the surrounding established residential areas.

The development will also promote augmented activity at the street level, create additional patronage that will contribute towards boosting the local economy and increase employment opportunities within the locality both during the construction phase and through an increase of retail floor space at the completion of the proposal. Photographs are provided below that give context to the locality and also the relationship of the development site with adjoining developments.

**Photograph 1** shows the existing site as viewed from Cartwright Ave.



**Photograph 2** shows the existing site as viewed from Woodward Crescent (east).





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**Photograph 3** shows the existing site as viewed from Woodward Crescent (south).



**Photograph 4** shows the existing site as viewed from the junction of Cartwright Avenue and Woodward Crescent.



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**Photograph 5:** Shows the adjoining 3 storey mixed use development located opposite the subject site to the north.



**Photograph 6:** Shows the existing shopping complex on the site.



**Photograph 7:** Showing the existing streetscape along Cartwright Avenue, looking west (note the lack of legibility for the strategic B2 Local Centre at the prominent corner location).





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**Photograph 8:** Showing the existing streetscape along Cartwright Avenue, looking east.



**Photograph 9:** Showing the existing streetscape along Woodward Crescent, looking south.



**Photograph 10:** Showing the existing streetscape along Woodward Crescent, looking north.





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**Photograph 11:** Showing the existing streetscape along Woodward Crescent, looking west.



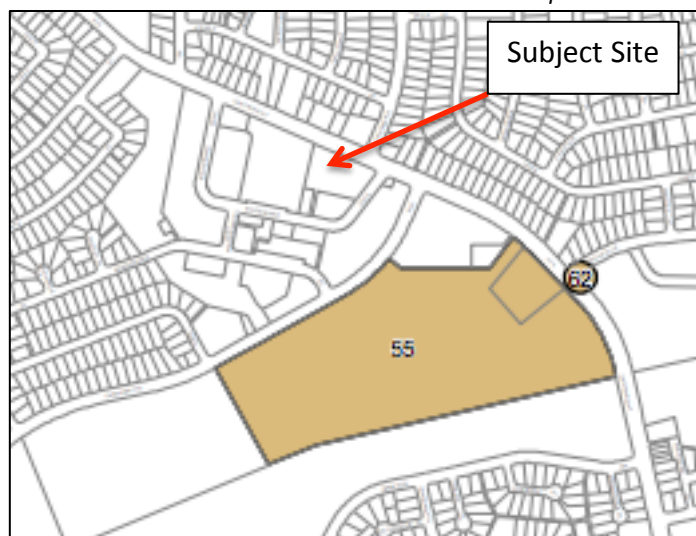
**Photograph 12:** Showing the existing streetscape along Woodward Crescent, looking east.



### **Heritage**

The site is not located within a heritage conservation area nor does it contain any heritage listed items. However, a heritage listed item, being I55 the locally listed former Pitt Street Road Bridge is located in the surrounding area. The proximity of the listed item to the subject site is illustrated in Council's Heritage Map extract below.

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**Image 4: Council Heritage Map Extract**

It is noted that the subject site is well removed from the listed item and the existing developments located between the subject site and the listed item will provide appropriate buffer to ensure that no adverse heritage impacts will be created. In light of the above and the nature of the listed item, it is considered that the proposed development will not create any detrimental heritage impacts on the heritage significance or setting of the listed item.

As such, neither the subject site nor the proposed development are benefitted or burdened by any heritage restrictions.

### 3. Description of Proposal

The Development Application proposes the demolition of the existing improvements on site and the erection of a 7-9 storey 'Shop Top Housing' development. The proposal will comprise 426.9m<sup>2</sup> of commercial ground floor space, 145 residential units within 2 residential blocks over the podium level communal open space and a total of 380 car parking spaces at-grade and within the basement levels at 90 Cartwright Avenue, Miller.

#### **Unit Mix**

The development proposal incorporates the following dwelling mix:

- 26 x 1 bedroom units (18%);
- 107 x 2 bedroom units (74%); and
- 12 x 3 bedroom units (8%).

#### **Tenancy Mix**

The development proposal will also incorporate the following commercial tenancies:

- Tenancy 1: 153m<sup>2</sup>; and
- Tenancy 2: 273.9m<sup>2</sup>.

The commercial units will be provided with multiple entry points and will be appropriately designed to enable additional street level activation. The proposed internal layouts will be determined by future occupants and will be the subject of a separate fitout DA that will also determine trading hours and staff numbers.

It is noted that the units are sized and configured so that they can be subdivided by internal partitions to cater for a flexibility of uses and for the specific floor area preferences of future occupants.

#### **Parking**

The development proposal includes a total of 380 vehicle parking spaces within the basement levels and at-grade parking area which includes the following parking breakdown:

At- grade parking area:

- 162 public parking spaces with 4 accessible parking spaces;
- 18 bicycle parking spaces; and
- 8 motorcycle parking spaces.

Basement Level 1:

- 87 residential parking spaces including 11 accessible car parking spaces;
- 35 visitor parking spaces, including 1 shared car wash bay;
- 26 commercial staff parking spaces;
- 40 bicycle parking spaces; and
- 5 motorcycle parking spaces.

Basement Level 2:

- 64 residential parking spaces including 4 accessible car parking spaces;
- 6 commercial staff parking spaces; and
- 2 motorcycle parking spaces.

As detailed in the accompanying traffic report the proposal retains (through inclusion in the at-grade part of the development) the existing 188 parking spaces for the retail component of the shopping centre which is consistent with the existing level of on-site parking in this portion of the site.

The proposed development will retain the existing centrally located single width vehicular crossover to Woodward Crescent at the southern section of the site, the double width crossover via Woodward Crescent at the eastern boundary of the site but will relocate the existing double width centrally located crossover via Cartwright Avenue to the north western corner of the site. The relocation of the vehicular crossing along Cartwright Avenue will increase the separation distance to the roundabout intersection with Heckenberg Avenue that will help to improve traffic safety. In addition, the proposed new location adjoining the existing service lane for the shopping centre will enable the delivery of an integrated pedestrian crossing point with appropriate markings to enhance pedestrian safety and improve street level activation along this section of the overall land holding.

The proposal will incorporate a mixture of double and single width driveways, graded access ramps and internal circulation areas to service the proposal that will include clearly identified paths of travel into and out of the site. The proposal will provide a single width one-way drive-thru system for retail unit 2 and a one-way exit only route via the centrally located single access point to Woodward Crescent via the at-grade parking area.

The proposed double width circulation areas will provide access to the internal at-grade public parking area and to the double width graded access ramps which provide access to the basement level resident, visitor and commercial staff car parking spaces. The car parking and circulation areas have been appropriately dimensioned to comply with all applicable standards and will permit all vehicles to enter and exit the site in a forward direction.

#### **Request for Off-setting of Section 94**

Given the development will substantially contribute to the rejuvenation of Miller, which is currently in desperate need of new development and rejuvenation, it is requested that the Section 94 Contributions be waived given the public benefit provided and also noting that the proponent is willing to undertake the following works and potential dedications in the event that Section 94 contributions are to be offset:

- Embellishment works to the central median island in Cartwright Avenue from the round about to the service station to give a significant upgrade to this area and provide a new and improved look and feel to the Town Centre. This would include landscaping, paving of the median, and potential for installation of public art style features. Photos of comparable treatments are provided below;





- Upgrade of the pavement along the perimeter of the site using a more decorative paver (rather than concrete)
- Potential dedication of the western parking area to provide Council public parking.

Further dialogue and discussion on this aspect of the development is requested as part of the assessment and consideration of the development application.

### **Signage**

Business identification signage are shown on the plans for context only- noting signage would form part of a future development application.

### **Mobile Phone Plant**

The existing Telstra mobile phone infrastructure located at the north eastern corner of the subject site will be relocated to the roof of Block A and will be appropriately located so that it will be obscured from the street level and will not adversely impact on the street presentation of Block A.

A brief description of the various aspects of the development is provided below.



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Level	Inclusions
<b>Basement Level 2</b>	<p>Access to the basement will be provided via an internal double width graded access ramp from Basement Level 1 above located at the south eastern section of the site.</p> <p>The basement will also include double width internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction.</p> <p>64 x resident car parking spaces including 4 accessible car parking spaces.</p> <p>6 x commercial staff car parking spaces.</p> <p>2 x motorcycle parking spaces.</p> <p>9 x residential storage spaces.</p> <p>2 x lift cores</p> <p>3 x stairwells including fire escape stairs.</p>
<b>Basement Level 1 and Lower Ground Level</b>	<p><b>Basement Level 1</b></p> <p>Access to the basement will be provided via the existing double width vehicle crossover from Woodward Crescent located at the south eastern section of the site that will include a double width driveway and graded access ramp to the basement level.</p> <p>The basement will include a double width graded access ramp to Basement Level 2 below and double width internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction.</p> <p>In addition, the basement entry will be provided with a security shutter door.</p> <p>87 x resident car parking spaces including 11 accessible car parking spaces.</p> <p>36 x visitor car parking spaces, including a shared visitor carwash bay.</p> <p>26 x commercial staff car parking spaces.</p> <p>Residential storage spaces.</p> <p>3 x lift cores.</p> <p>5 x motorcycle parking spaces.</p> <p>40 x bicycle parking spaces.</p> <p>62 x residential storage spaces.</p> <p>A communal bin storage area with a garbage trolley bay.</p> <p>4 x lift cores.</p> <p>6 x stairwells including fire escape stairs.</p> <p><b>Lower Ground Level (Noting cross fall within the site)</b></p> <p>Unit 1 = 153m<sup>2</sup> of retail floor space.</p>

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	<p>Primary pedestrian access to the retail unit will be via multiple entry points along both Cartwright Avenue and Woodward Crescent. In addition, secondary access will be provided via entrances from the car parking area.</p>
	<p>54.1m<sup>2</sup> of soft landscaped area.</p>
<b>At-Grade Parking and Upper Ground Level:</b>	<p><b>Access Arrangements</b></p> <p>Vehicular access to the at-grade car parking area will be provided via a new double width cross-over from Cartwright Avenue located at the north western section of the site. The proposed crossover will replace the existing centrally located double width crossover from Cartwright Avenue that will improve separation distances from the round about intersection and help to improve traffic safety along this section of the road.</p> <p>It is also noted that the existing single width crossover and driveway to Woodward Crescent located at the southern central section of the site will provide an exit only arrangement from the at-grade parking area.</p> <p>The access arrangements will include predominantly double width driveways, graded access ramps and circulation areas with traffic control markings and appropriate turning arrangements to allow all vehicles to enter and exit the site in a forward direction. The proposal will also incorporate a single width drive-thru arrangement for the retail Unit 2.</p> <p>Primary pedestrian access to retail Unit 2 will be via multiple entry points along Cartwright Avenue whilst service area and staff access points will be located via the drive-thru at the rear of the unit form the at-grade parking area.</p> <p>Primary pedestrian access for residents and visitors to the upper floor residential component of the proposed development will be via a clearly identified primary lobby area with a ramp for equitable access to the service the lift core and stairwell.</p> <p>The lobby area will contain feature landscaping works and an outdoor deck area to ensure that it is readily identifiable to both residents and visitors.</p> <p>A secondary access path will be provided along the site's southern and western boundaries that will provide access from the basement and podium level</p>

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	<p>fire escape stairs and the at-grade parking area to both Cartwright Avenue and Woodward Crescent. This access path will also enable direct access from the at-grade parking area to the adjoining shopping centre to the west to enhance pedestrian movement within the site.</p> <p>The proposed development will also provide an awning along strategic sections of the site to enhance the level of street activation.</p> <p><b>At-Grade Parking Facilities</b></p> <p>162 x commercial parking spaces including 4 accessible spaces.</p> <p>8 x motorcycle parking spaces.</p> <p>1 x loading bay/delivery bay/waste collection bay.</p> <p>1 x retail bin storage area</p> <p>3 x trolley bay areas.</p> <p>An entry access point to the adjoining shopping centre to the west to help link the proposed development with the shopping centre and enhance permeability of the site.</p> <p>The at-grade parking area is designed to integrate with the overall layout and design of the proposed development. The external walls will contain fresh air ventilation louvres that will provide a more aesthetically pleasing street presentation when compared with the existing at-grade parking area.</p> <p>5 x stairwells including fire escape stairs.</p> <p><b>Upper Ground Level Commercial Unit</b></p> <p>1 x 273.9m<sup>2</sup> retail unit that will be subject to future DA's for use and signage.</p> <p>12 x bicycle parking spaces within the street setback</p>
<p><b>First Floor:</b> Block A Units 1 – 9 Block B Units 62-68 and 104-110</p>	<p>Each unit will be provided with a kitchen, laundry, living area, dining area, storage area and a balcony that is generally accessed from living areas.</p> <p>5 x 1 bedroom units with balcony POS areas.</p> <p>16 x 2 bedroom units with balcony POS areas.</p> <p>2 x 3 bedroom units with balcony POS areas.</p> <p>3 x internal lobby areas to provide access to the basement levels and upper residential areas of the development with each to contain a lift core and two sets of stairwells including fire escape stairs.</p> <p>1 x external lobby area to provide access from the primary ground level pedestrian access point.</p> <p>1472.8m<sup>2</sup> of communal open space area to include BBQ cooking areas, seating areas and pergolas to provide appropriate shelter and protection from the elements.</p>

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	859.2m <sup>2</sup> of soft landscaping to include landscape embellishment works such as strategically placed raised planter beds and boxes including tree planters to ensure a garden setting and to provide high quality amenity for future residents.
	A large void located at the southern section of the site over the at-grade car park to enhance solar and daylight access.
	An office room beside lift core 2 for the future building manager.
<b>Second Floor-Fifth Floor:</b> Block A Units 10-45 Block B Units 69-96 and 111-138	Each unit will be provided with a kitchen, laundry, living area, dining area, storage area and a balcony that is generally accessed from living areas.
	16 x 1 bedroom units with balcony POS areas (4 per level).
	68 x 2 bedroom units with balcony POS areas (17 per level).
	8 x 3 bedroom units with balcony POS areas (2 per level).
	3 x internal lobby areas to provide access to the basement levels and upper residential areas of the development with each to contain a lift core and two sets of stairwells including fire escape stairs. The lobby for Block A will be provided with a seating area noting that the lift core will service 9 units per plate level.
<b>Sixth Floor:</b> Block A Units 46-54 Block B Units 97-103 and 139-145	Each unit will be provided with a kitchen, laundry, living area, dining area, storage area and a balcony that is generally accessed from living areas.
	1 x 1 bedroom units with balcony POS areas.
	6 x 2 bedroom units with balcony POS areas.
	1 x internal lobby areas to provide access to the basement levels and upper residential areas of the development with each to contain a lift core and two sets of stairwells including fire escape stairs. The lobby for Block A will be provided with a seating area noting that the lift core will service 9 units per plate level.
<b>Seventh Floor:</b> Block A Units 55-61	Each unit will be provided with a kitchen, laundry, living area, dining area, storage area and a balcony that is generally accessed from living areas.
	4 x 1 bedroom units with balcony POS areas.
	17 x 2 bedroom units with balcony POS areas.
	2 x 3 bedroom units with balcony POS areas.
	1 x internal lobby areas to provide access to each level of the development including the basement levels with a lift core and two stairwells including fire escape stairs. The lobby area will also be provided with a seating area noting that the lift core will service 9 units per plate level below this level.

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	1 x service stairwell to provide access to the roof top plant room.
<b>Roof Level</b>	1 x Telstra service plant room with access provided via the internal seventh floor service stairwell.

The proposed high density mixed use development seeks to utilise the land in accordance with the zoning and take advantage of its proximity to public transport and services. The development aims to present a strong and attractive interface that addresses the site's prominent corner location and two frontages whilst setting the tone and scale for future comparable development within the subject area. The proposal will permit an orderly redevelopment of the subject site whilst also contributing towards increasing the commercial and housing stock within Millers.

The design response has been designed to accentuate the strategic and prominent location of the site within the 'heart' of the Miller Town Centre and will embody the controls associated with the local centre. In this regard, the proposal will incorporate predominantly consistent setbacks and a more attractive built form than what exists on site to improve legibility, promote increased street level activity, enhance the compact mixed use nature of the precinct and help to define the local centre's street edges. By providing commercial floor space and alternative residential accommodation opportunities, the proposal will strongly contribute towards revitalising the subject area, as it will increase employment opportunities both during the construction phase and at the completion of the proposal.

In addition, the increased housing options and ground floor commercial floor space will augment patronage of the area to support the existing businesses, contribute towards boosting the economy and vitality of the town centre and to maximise the use of the local bus services. The proposal will on balance help to revitalise the area and in conjunction with the existing and similar future developments will ensure that the local centre will be a vibrant place with a variety of commercial uses to service the needs of the surrounding established residential areas.

Furthermore, the proposal will also align with the principles of urban consolidation which seek to ensure the efficient use of community infrastructure by providing higher density development at strategic locations, noting that the site is located within the 'heart' and along the 'main street' of the Miller Town Centre and the area is serviced by local bus stops with services to/from Parramatta, Liverpool, Bonnyrigg, West Hoxton and Heckenberg. It is further noted that important arterial roads such as the M7 Westlink, Elizabeth Drive, Cowpasture Road and Hume Highway service the wider locality.

The Sydney Metropolitan Strategy also supports higher density mixed use residential and commercial development in strategic locations to accommodate future population growth. Subsequently, the subject site is ideal for urban intensification noting its above-mentioned strategic location, which is reinforced by the existing shopping centre that can provide essential services to future residents and the proximity of the site to educational, medical and recreational opportunities.

The proposal also incorporates a number of ancillary elements, including detailed landscape embellishment works and relevant drainage elements as shown on the submitted plans. Architex has prepared the relevant architectural plans for the proposal, while supporting specialist reports have been prepared by sub consultants. The design of the proposed development incorporates contemporary architectural aesthetics that aim to not only produce an attractive building that adequately addresses its prominent corner location and street frontages but is also of a bulk and scale that is proportionate to its important gateway entry location to the town centre and that enhances legibility of the area for pedestrians and motorists on approach from Cartwright Avenue and Woodward Crescent. Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties. The proposal complies with key planning requirements as discussed further and addressed in this report.

#### **4. Pre-DA Design Review and Planning Comments**

A Pre-Lodgement meeting was held with Council's Planning staff on the 12<sup>th</sup> February 2014 with respect to the proposed development. Formal comments were then received from Council dated 25<sup>th</sup> February 2014, which were utilised to inform the amended design concept. In addition, consultation with Council's Design Review Panel was also undertaken and formal comments were received dated the 01<sup>st</sup> May 2014 and these comments, particularly the request to increase the scale of the proposed Block A, have helped to guide the amended proposal.

As such, the proposed development has been amended in line with Council's comments to satisfactorily address all the key issues raised and this Statement of Environmental Effects provides detailed justification and context with respect to any outstanding items. Please refer to the relevant compliance tables below for further discussion.

As the subject site is a prominent corner and strategically located land parcel within the 'heart' of the Miller Town Centre, the proposal has been designed with a scale that will appropriately address its unique context and that will help to revitalise the town centre of Miller. It is acknowledged that the proposal will achieve satisfactory levels of amenity, privacy and solar access for future residents and adjoining properties and will provide for a cohesive streetscape character that will enhance the existing situation.

In addition, specialist reports as requested by Council are appended to the Development Application and submitted in support of the proposed development, including:

- Architectural Plans and Design Verification Statement Prepared by Architex;
- Landscape Plan prepared by Greenland Design;
- Stormwater Plans prepared by ING Consulting Engineers;
- BASIX Assessment Report, ABSA Assessment and BASIX Certificate prepared by ESD Synergy;
- Section J Assessment Report prepared by ESD Energy;



- Traffic Report prepared by Varga Traffic Planning;
- Acoustic Report prepared by Acoustic Logic;
- Access Report prepared by PSE Access Consulting;
- Photomontages prepared by 3DAI;
- Quantity Survey prepared by MMDC;

## 5. Planning Controls

### Statutory Controls

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy (BASIX);
- State Environmental Planning Policy No.55 - Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.64 – Advertising and Signage
- Greater Metropolitan Regional Environmental Plan (GMREP) No.2- Georges River Catchment;
- State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development and associated Residential Flat Design Code;
- Liverpool Local Environmental Plan 2008;

### Policy Controls

The applicable policy control documents are: -

- Liverpool Development Control Plan 2008;

## 6. Consideration

### State Environmental Planning Policy BASIX

The application has been assessed and is accompanied by a complying BASIX certificate. See attached BASIX Certificate for detail.

### State Environmental Planning Policy No. 55 – Contaminated Land

Given the historical use of the site for commercial purposes, a Stage 1 – Preliminary Site Investigation was not carried out as the site contains a sealed at grade car parking area within the subject site. In accordance with the provisions of SEPP 55 it is not considered necessary that further investigations under SEPP 55 are required and Council can be satisfied that the provisions of Clause 7 of the SEPP are satisfied.

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

The development site has a frontage to Cartwright Avenue, which is identified as a classified road and as a result it is necessary to consider the provisions of Clause 101, 102, and 104 of the SEPP.

Clause 101 requires that vehicular access be provided from a road other than a classified road. The proposed development will retain the existing centrally located single width vehicular crossover to Woodward Crescent at the southern section of the site, the double width crossover via Woodward Crescent at the eastern boundary of the site but will relocate the existing double width centrally located crossover via Cartwright Avenue to the north western corner of the site.

The relocation of the vehicular crossing along Cartwright Avenue will increase the separation distance to the roundabout intersection with Heckenberg Avenue that will help to improve traffic safety. In addition, the proposed new location adjoining the existing service lane for the shopping centre will enable the delivery of an integrated pedestrian crossing point with appropriate markings to enhance pedestrian safety and improve street level activation along this section of the overall land holding.

In light of the above, the retention of vehicular access from Cartwright Avenue, being a classified road, is considered acceptable in this instance.

Clause 102 requires a consent authority to consider the impact of the classified road on buildings used for residential purposes. In this case an Acoustic Assessment is required to accompany the development application to demonstrate that amenity for residents will be below the criteria specified within Clause 102(3). As such, a Traffic Noise and Vibration Assessment report has been prepared that has found that subject to mitigation measures the criteria contained within Clause 102(3) will be achieved as well as other relevant requirements applying to a residential flat building.

Clause 104 and Schedule 3 identify a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'. The current proposal is identified as a traffic generating development, as the site is located adjacent a classified road and the proposal will provide more than 75 dwellings and more than 50 parking spaces. As a result, Council will seek formal concurrence from the Department of Roads and Maritime Services. A Traffic and Parking Impact Assessment report accompanies the application providing required detail on the traffic impacts of the development on the surrounding road network.

### **State Environmental Planning Policy No. 64 – Advertising and Signage**

Signage is not proposed as part of the current development application.

## Greater Metropolitan Regional Environmental Plan (GMREP) No. 2 – Georges River Catchment

The subject site is subject to the broad planning principles contained within the GMREP. The Aims and Objectives and broad Planning Principles must be considered and achieved, where possible, in the carrying out of development within the catchment. The relevant aims and objectives include:

- (a) to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,*
- (b) to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,*
- (c) to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,*
- (d) to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,*
- (e) (Repealed)*
- (f) to provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package.*

The proposed development does not detract from the above listed aims and objectives given the nature of the development and the environmental safeguards proposed, including the drainage concept proposed and the erosion and sediment controls that will be in place throughout the construction phase of the development. Therefore the proposal satisfies the key provisions of the GMREP.

## State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The development application is accompanied by a design verification statement by Robert Del Pizzo verifying that he has directed and designed the proposal, and that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development. A description of compliance with the applicable development controls such as setbacks, building heights, etc is provided in the local planning controls discussion and tables below.

The table below provides a detailed discussion against the relevant provisions of the Residential Flat Design Code, noting that a number of these provisions are embodied within

the Holroyd Local Environmental Plan 2013 and supporting Holroyd Development Control Plan 2013.

	Design principles	Comments
<b>Building Depth</b>	Building depths, which support natural ventilation typically range from 10 to 18 metres.	<p>The proposed building depth is generally compliant with the exception of a small portion of the western wing of Block B will be a maximum of 19.6m and as such will not comply with the recommended 18m maximum depth.</p> <p>Notwithstanding, the proposal has been designed to incorporate a predominance of dual aspect and corner apartments with appropriately located and dimensioned fenestrations that will permit 105 (70%) of the units to be cross ventilated and 67% of apartments to obtain the required level of solar access.</p> <p>As such, the proposal will comply with the intention of this control.</p>
<b>Building height</b>	Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.	<p>The overall density of the proposed development is appropriate in context and the design response ensures amenity impacts to adjoining properties will be minimised.</p> <p>The proposal has been designed to deliver a building that will appropriately address its prominent corner and entry location to the B4 Local Centre zoned area to enhance legibility for both pedestrians and motorists in the area. Therefore, the proposal will incorporate a maximum building height of 28.1m and 22.6m which exceeds the maximum permitted 21m height control for the subject site.</p> <p>As such, a Clause 4.6 Variation is proposed for the variation to the height control with all applicable detail and justification provided within Annexure 1 at the end of the SEE.</p>

<p><b>Building separation</b></p>	<p>Test building separation controls for daylight access to buildings and open spaces.</p> <p>For residential up to 4 storeys:-</p> <ul style="list-style-type: none"> <li>• 12 metres between habitable rooms and balconies.</li> <li>• 9 metres between habitable rooms and balconies and non-habitable rooms.</li> <li>• 6 metres between non-habitable rooms</li> </ul> <p>Noting the rear basement protrusion the following separation distances are applicable to the small rear section of the site above the area of basement that protrudes 1m above the NGL:</p> <p>Buildings from 5-8 storeys (up to 25m)</p> <ul style="list-style-type: none"> <li>• Non-habitable to non-habitable 9m</li> <li>• Habitable to non-habitable 13m</li> <li>• Habitable to habitable 18m</li> </ul> <p>9 storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>• Non-habitable to non-habitable 12m</li> <li>• Habitable to non-habitable 18m</li> <li>• Habitable to habitable 24m</li> </ul>	<p>The proposal has been designed to ensure that it will predominantly comply with the principles of separation and to ensure that it will maintain an appropriate level of amenity, solar access and visual and acoustic privacy between the proposed blocks and to surrounding residential developments in the area. However, it is noted that the subject site is benefitted in that it does not directly adjoin any residential developments noting that the subject site contains a mixture of commercial and retail uses and that roads along the northern and eastern boundaries bind the site.</p> <p>The proposal will provide physical separation between Block A and Block B that ranges from 18m-34.9m. Whilst sections of the proposal may not entirely comply with the 24m maximum from habitable to habitable the use of design measures such as smart internal layout and orientation of residential units, living areas and active external areas (such as balconies), highlight windows, privacy screens and walls, louvers, privacy walls, fencing and landscape embellishment works such as screen plantings and strategically placed raised planter beds.</p> <p>Accumulatively, the proposed design measures and existing adjoining developments will ensure that acoustic and visual privacy impacts are mitigated in instances where the guideline numerical distances are not achieved and noting that the proposal will comply with the DCP's prescribed setbacks.</p> <p>Overall, the proposal will comply with the underlying intention of building separation and the shadow diagrams also illustrate that no negative overshadowing impacts will be created by the proposal.</p>
<p><b>Floor space ratio</b></p>	<p>Test the desired built form outcome against proposed floor space ratio to ensure consistency with:</p>	<p>The proposed development has been designed to comply with the permitted 1.7:1 FSR as it will incorporate a maximum FSR of 0.968:1 across the site.</p>

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	<ul style="list-style-type: none"> <li>- building height</li> <li>- building footprint</li> <li>- the three dimensional building envelope</li> <li>- open space requirements.</li> </ul>	<p>It is also noted that the development will provide appropriate deep soil, landscaping and communal open space areas to service the needs of the future residents and provide appropriate amenity for the development. In this regard, it is considered that the proposal will adopt a scale of development that is commensurate with the commercial and retail nature of the subject site and the existing pattern of development within the B2 Local Centre zone.</p>
<b>Deep soil zones</b>	<p>A minimum of 25% of the open space area of a site should be a deep soil zone, more is desirable.</p>	<p>Given the commercial zoning it is noted that no deep soil is technically required.</p> <p>Notwithstanding, the proposal will incorporate appropriate measures to manage stormwater as detailed in the submitted specialist plans.</p>
<b>Open space</b>	<p>The area of communal open space required should generally be at least between 25–30% of the site area.</p>	<p>The proposal will provide 1472.8m<sup>2</sup> of communal open space within the podium level to ensure that it will provide appropriate communal open space. It is also noted that ample private open space will be provided for each unit and the site is located in close proximity to local parks that can cater for active recreational needs. Given the broader site is 2.5Ha the current proposal has provided communal open space at the rate of 10m<sup>2</sup>per dwelling (approximately) and provides the space at the podium level to encourage interaction. Given the useability of the space and the site context the extent of communal open space is considered appropriate.</p>
<b>Safety</b>	<p>Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.</p>	<p>Passive surveillance is provided to the site's street frontage, with balconies and living spaces oriented to face the street and interface of the public/private domain along with the communal open space area and driveways.</p> <p>Access to the development and basement will also be security controlled.</p>



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<b>Apartment layout</b>	<p>Single-aspect apartments and the back of kitchens should be limited in depth to 8 meters from a window.</p> <p>Minimum apartment sizes:</p> <ul style="list-style-type: none"> <li>- 1 bed- 50m<sup>2</sup></li> <li>- 2 bed- 70m<sup>2</sup></li> <li>- 3 bed- 90m<sup>2</sup></li> </ul>	<p>No single aspect units are proposed and all the kitchens of units comply given the location of kitchens and windows as the depth relative to the window is less than 8m.</p> <p>The proposal is designed to provide generous room sizes that will be either consistent with the SEPP or exceed the minimum floor areas.</p>
<b>Apartment mix</b>	Provide a diversity of apartment types to cater for different household requirements.	The proposal is designed with a mix of units that responds to market demand, noting that the bedroom numbers and size of units are varied to provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.
<b>Balconies</b>	Minimum Depth 2m	The proposal will provide POS balconies that incorporate a minimum depth of 2.4m and which also comply with Council's minimum POS areas of 12sqm to exceed that prescribed by the HDCP 2013.
<b>Ceiling Heights</b>	Minimum Floor to Ceiling Height 3.3m and 2.7m	The proposal will provide a complying minimum 2.7m floor to ceiling height for the residential levels and a 3.3m roof to ceiling height for the retail units.
<b>Storage</b>	<p>1 bed – 6m<sup>3</sup></p> <p>2 bed – 8m<sup>3</sup></p> <p>3 bed - 10m<sup>3</sup>.</p>	Each dwelling will be provided with appropriate storage space within both the basement and the proposed units.
<b>Internal circulation</b>	<8 dwellings per plate.	<p>Block B will have a compliant 7 units per lift core per plate level .</p> <p>However, Block A will provide access to 9 units per plate level via 1 lift core excluding the top floor which will comprise only 7 units.</p> <p>Whilst the 9 units per plate level exceeds the recommended 8 units, appropriate seating will be provided for those waiting on the lift and is considered acceptable noting also that Block A will be serviced by 2 x stairwells per plate level.</p>

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<b>Daylight access</b>	<p>Living rooms and private open spaces for at least 70% of apartments should receive at least 3 hours direct sunlight between 9am and 3pm in mid winter.</p> <p>Limit single aspect apartments with a southerly aspect to a maximum of 10%.</p>	<p>Complies, as the development proposal will incorporate 105 units (70%) of units receiving more than 3 hours direct sunlight.</p> <p>No single aspect south facing units are proposed as part of the proposal.</p>
<b>Natural ventilation</b>	<p>60% of residential units should be naturally cross-ventilated.</p> <p>25% of kitchens should have access to naturally ventilation.</p>	<p>The proposal adopts a design that supports natural ventilation, noting 66.7% of units will be naturally cross-ventilated.</p> <p>32 (22%) of kitchens will be naturally ventilated noting the location of nearby windows and sliding doors to balcony areas. It is noted that this is below the recommended 25%, however it is considered that kitchens will be appropriately ventilated noting that 66.7% of all units will be cross-ventilated, the size and location of windows and that the kitchens will be appropriately located within 8m of a window.</p> <p>Furthermore, the mechanical aeration systems to be utilised will help to extract all cooking smells and help to create airflow due to the associated vacuum.</p>

## Liverpool Local Environmental Plan 2008

The subject site is zoned B2 Local Centre under the provisions of the LLEP 2008 and as evident in the extract below.

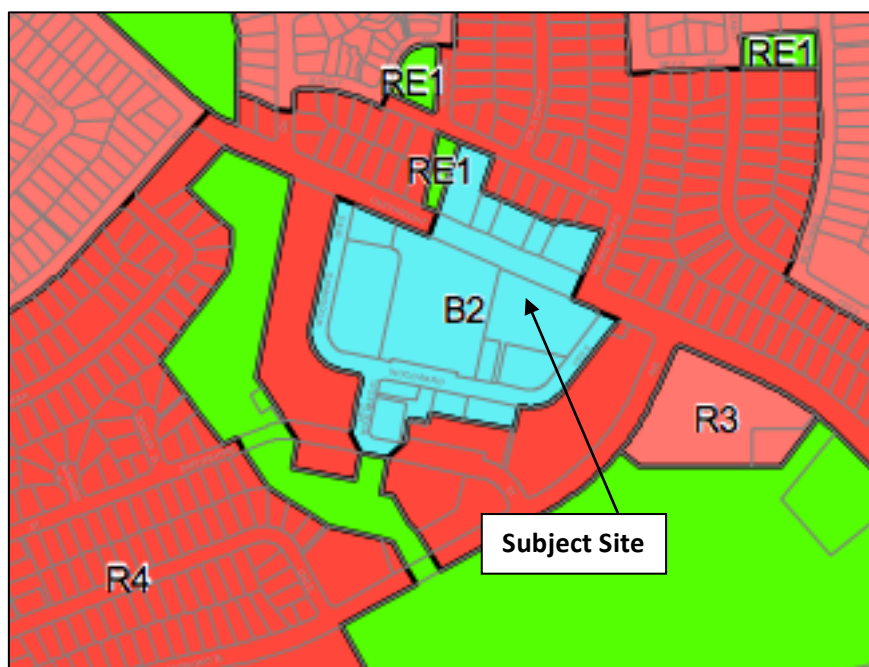


Image 5: LLEP 2008 – Zoning Map Extract

'Shop Top Housing' and 'residential flat buildings' are permissible with consent within the subject site and the proposal is consistent with the definitions contained within the Local Environmental Plan- noting that the proposal meets the intent of the shop top housing definition but is also enabled by the fact that residential flat buildings are permitted in the zone.

The proposal is consistent with the above definitions and is also consistent with the specified zone objectives:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential and other accommodation while maintaining active retail, business or other non-residential uses at street level.*
- *To facilitate a high standard of urban design and a unique character that contributes to achieving a sense of place for the local community.*

The development application proposes a 'Shop Top Housing' development that will address its two street frontages and prominent corner location whilst also strongly contributing towards sustaining the viability of the Miller Local Centre.

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Furthermore, the development will contribute towards providing additional retail and alternative residential accommodation opportunities whilst promoting activity at the street level. The site is well located and is situated within proximity to essential services, public transportation and recreation opportunities to maximise public transport patronage and to also encourage walking and cycling. As a result, the proposal will provide accessible employment opportunities both during the construction phase and post construction through the delivery of additional commercial floor space.

The proposal also activates and contributes to a sense of place in an area that is currently rarely used by patrons of the shopping centre. This part of the shopping complex has had a number of issues in relation to anti-social behaviour given the secluded area. The proposal will on balance help to revitalise this section of the site and the area and in conjunction with existing and similar future developments will ensure that the Miller Local Centre will be a vibrant place with a variety of commercial uses to service the needs of the surrounding established residential areas.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Liverpool Local Environmental Plan 2008 – Compliance Table			
LLEP	Control	Comment	Complies
Zoning	B2	Development for a mixed use Shop Top Housing development is permissible with consent.	YES
Cl. 4.3	Height of Buildings	<p>The overall density of the proposed development is appropriate in context and the design response ensures amenity impacts to adjoining properties will be minimised.</p> <p>The proposal has been designed to deliver a building that will appropriately address its prominent corner and entry location to the B4 Local Centre zoned area to enhance legibility for both pedestrians and motorists in the area. Therefore, the proposal will incorporate a maximum building height of 28.1m and 22.6m which exceeds the maximum permitted 21m height control for the subject site.</p>	Clause 4.6 Variation



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		As such, a Clause 4.6 Variation is proposed for the variation to the height control with all applicable detail and justification provided within Annexure 1 at the end of the SEE.	
Cl.4.4	Floor Space Ratio	The proposed development has been designed to comply with the permitted 1.7:1 FSR as it will incorporate a maximum FSR of 0.968:1. It is noted that it is appropriate to utilize the entire site area in the calculation of the FSR as a fundamental component of the development is the provision of 188 parking spaces to the existing retail centre (to replace the 188 spaces lost) which clearly demonstrates that the remaining portion of the site has a clear and demonstrable link to the current development proposal and would satisfy Clause 4.5 and should be included. It is understood that an 88b covenant could be included as a condition of consent to prevent 'double dipping' in the future.	YES
Cl. 5.9	Preservation of Trees or Vegetation	The proposal incorporates the removal of the existing trees on site but will also provide replacement plantings, landscape embellishment works and street tree plantings to help soften the built form of the proposal and augment the level of vegetation within and adjoining the subject site.	YES
Cl. 5.10	Heritage Conservation	The development site is not burdened or benefitted by any heritage restrictions.  Please see the end of Section 2 of the SEE above for further detail.	N/A
Cl. 7.6	Environmentally Significant Land	The site is not identified as being environmentally significant land.	YES

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Cl. 7.7	Acid Sulfate Soils	The site is not identified as being subject to Acid Sulfate Soils.	YES
Cl. 7.8	Flood Planning	The site is not identified as being flood prone.	YES
Cl. 7.9	Foreshore Building Line	The site is not identified as being subject to a foreshore building line.	YES
Cl. 7.14	Minimum building street frontage	The site exceeds the 24m street frontage control.	YES
Cl. 7.16	Ground floor development in Zones B1, B2 and B4	The proposal will not incorporate any residential uses at the ground floor and has been designed to improve street level activation and will incorporate appropriate entries and a clearly identified lobby area.	YES
Cl. 7.17	Development in flight paths	The site is not identified as being within the flight path.	N/A
Cl. 7.18	Development in areas subject to potential airport noise	The site is not identified as being within the flight path.	N/A

## Liverpool Development Control Plan 2008: Part 1.1 General Controls for all Development

All relevant Council controls have been considered in the following compliance table.

Clause	Controls	Comment	Complies
2	Tree Preservation	<p>The proposal incorporates the removal of the existing trees on site but will also provide replacement plantings, landscape embellishment works and street tree plantings to help soften the built form of the proposal and augment the level of vegetation within and adjoining the subject site.</p> <p>Noting the commercial and retail nature of the large site and the previous at-grade car parking use, the majority of the landscaping will be contained at the podium level to provide future residents with a garden setting to deliver appropriate amenity and to help improve visual and acoustic privacy levels.</p> <p>Please refer to the architectural plans for further details.</p>	YES
3	Landscaping and Incorporation of Existing Trees	The proposal will incorporate a number of raised planter boxes to soften the extent of hardstand areas. Please refer to the architectural plans for further details.	YES
4	Bushland and Fauna Habitat Preservation	The development proposal does not result in an unacceptable loss of vegetation or fauna habitat.	N/A
5	Bushfire Risk	The site is not identified as bushfire prone.	N/A
6	Water Cycle Management	Appropriate drainage measures are to be carried out as detailed on the submitted specialist plans. The site is entirely impervious at the moment and water that falls to this site will continue to drain to a pit and then discharge into the existing stormwater system on the site.	YES

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7	Development Near a Watercourse	The proposed development is not located within proximity to a watercourse.	N/A
8	Erosion and Sediment Control	Appropriate erosion and sediment controls will be provided during construction. It is anticipated that given the location and nature of the proposal that Council can condition the implementation of appropriate measures during construction according to the NSW 'Blue Book'.	YES
9	Flooding	The subject site is not identified as being subject to flooding and the current proposal will not substantially change the existing drainage characteristics of the locality.	YES
10	Contaminated Land Risk	The development site has been utilised as a sealed car park for several years and is therefore not likely to be contaminated.	YES
11	Salinity Risk	The subject site has been identified as containing moderate potential for Saline Soils and measures will be implemented to mitigate this issue with full detail provided at CC stage.	YES
12	Acid Sulfate Soils	The site is not identified as accommodating acid sulphate soils.	YES
13	Weeds	The subject site does not contain any noxious weeds.	YES
14	Demolition of Existing Developments	Minor demolition works are proposed to facilitate the development as detailed on the submitted plans.	YES
15	On Site Sewage Disposal	The development site is connected to sewer and the proposed development will also be appropriately connected to the existing sewer system.	N/A
16	Aboriginal Archaeology	The site is unlikely to accommodate any items of Aboriginal Archaeology given it is an elevated carpark.	N/A



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17	Heritage and Archaeological Sites	The site is not identified as accommodating any heritage items or archaeological sites.	N/A
Clause	Controls	Comment	Complies
20	<p>Car Parking and Access</p> <p><b><u>Residential Rate</u></b>            1 space per 1 bedroom unit = 26            1.5 spaces per 2 bedroom unit = 160.5            2 spaces per 3 bedroom unit = 24            1 space per 4 units for visitors = 36.25            Total = 246.75 (247)</p> <p><b><u>Retail Rate</u></b>            1 space per 20m<sup>2</sup> of floor area = 21.34 (22)            1 accessible space per 100 retail spaces            2 accessible spaces per 100 accommodation parking spaces</p>	<p>The development proposes the construction of a mixed use commercial and at-grade parking ground floor with shop top housing to provide the following elements:</p> <ul style="list-style-type: none"> <li>• 426.9m<sup>2</sup> of retail floor space</li> <li>• 26 x 1 bedroom units (18%);</li> <li>• 107 x 2 bedroom units (74%); and</li> <li>• 12 x 3 bedroom units (8%).</li> </ul> <p>As per the LDCP 2008, the proposal is required to provide the following car parking provisions:</p> <ul style="list-style-type: none"> <li>• 211 resident spaces;</li> <li>• 35 visitor spaces with a shared car wash bay; and</li> <li>• 22 commercial spaces</li> </ul> <p>The proposal will make provisions for a total of 380 vehicle parking spaces within the basement levels and at-grade parking area (noting 188 of these spaces are for the existing centre and additional retail) which includes the following parking breakdown:</p> <p>At- grade parking area:</p> <ul style="list-style-type: none"> <li>- 162 public parking spaces with 4 accessible parking spaces;</li> <li>- 18 bicycle parking spaces; and</li> <li>- 8 motorcycle parking spaces.</li> </ul> <p>Basement Level 1:</p> <ul style="list-style-type: none"> <li>- 87 residential parking spaces including 11 accessible car parking spaces;</li> <li>- 35 visitor parking spaces, including 1 shared car wash bay;</li> <li>- 26 commercial staff parking spaces;</li> <li>- 40 bicycle parking spaces; and</li> <li>- 5 motorcycle parking spaces.</li> </ul>	Minor Variation

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		<p>Basement Level 2:</p> <ul style="list-style-type: none"> <li>- 64 residential parking spaces including 4 accessible car parking spaces;</li> <li>- 6 commercial staff parking spaces; and</li> <li>- 2 motorcycle parking spaces.</li> </ul> <p>The proposal has been designed to accommodate the previous parking spaces within the existing at-grade parking area for the established shopping centre. However, it is noted that the proposal will incorporate a shortfall with respect to the residential component of the development.</p> <p>Notwithstanding, the proposal will provide compliant visitor and retail parking spaces. In addition, the location of the subject site within the heart of the Miller Town Centre benefits the proposed development and rationalises the proposed shortfall.</p> <p>As detailed in the submitted traffic report the residential component exceeds the minimum contained within the NSW RMS Guide to Traffic Generating Developments and the report outlines that the shortfall of resident and resident visitor spaces is appropriate:</p> <p><i>Accordingly, whilst the residential component of the development proposal yields a shortfall in car parking when assessed in accordance with Council's DCP, the proposed provision of 192 spaces yields a surplus of 34 parking spaces when assessed in accordance with the survey-based parking rates nominated in the RMS Guidelines. In addition, it is also noted that:</i></p> <ul style="list-style-type: none"> <li>• <i>the site is readily accessible by public transport</i></li> <li>• <i>the site is located immediately adjacent to a major shopping centre incorporating a supermarket and a broad range</i></li> </ul>	
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		<p><i>of specialty shops, and</i></p> <ul style="list-style-type: none"> <li><i>• Census data indicates that car ownership rate of Liverpool residents living in 1 and 2 bedroom apartments is less than 1 car per apartment, consistent with the RMS parking rates. Accordingly, the proposed provision of 192 spaces for the residential component of the development proposal will be sufficient to accommodate the needs of residents.</i></li> </ul> <p><i>Accordingly, the proposed provision of 192 spaces for the residential component of the development proposal will be sufficient to accommodate the needs of residents.</i></p> <p>As the proposed at-grade and basement parking areas will be enclosed, the proposal will not provide any vegetation within these areas. Irrespective, the site will be appropriately landscaped as detailed on the submitted plans to help soften the built form of the proposal and to provide a cohesive streetscape that will be visually pleasing.</p> <p>The proposed ground floor commercial tenancies will also help to screen the at-grade parking area from Cartwright Avenue to ensure that no negative views are created.</p> <p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated and accessible.</p> <p>The proposed car parking arrangements will be appropriately integrated into the proposal and will be consistent with similar types of shop top housing developments within B2 zones and within the Liverpool LGA. It is</p>	
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		<p>considered that the proposal provides an appropriate outcome on site that will deliver suitable parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic. It is noted that access from the basement to the lobby areas is provided via a lift core and stairwells.</p> <p>In addition, the proposal will provide fifteen (15) accessible resident car parking spaces and 4 commercial car parking spaces, which equals 5% of the total parking spaces to be provided by the proposal.</p>	
21	Subdivision of Land and Buildings	No subdivision works are proposed as part of this development.	N/A
22	Water Conservation	<p>Appropriate water savings, fixtures and fittings will be installed.</p> <p>A Stormwater Management Plan has also been prepared and is attached as part of this application.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>See attached Stormwater Management Plan for further detail.</p>	YES
23	Energy Conservation	Appropriate energy efficiency measures will be utilised with full detail on compliance with Section J of the BCA provided in the accompanying report. and noting that a compliant BASIX Certificate is submitted in support of the proposed development.	YES



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24	Landfill	The proposal has been designed to minimise the amount of cut and fill required, whilst also providing a built form that is appropriate considering the context of the site and the surrounding area. It is considered that the proposal results in an appropriate outcome on site that will not adversely affect the environment or the existing residential amenity of adjoining properties.	N/A
25	Waste Disposal and Re-use Facilities	<p>A waste management plan is submitted as part of the development application. Appropriate waste storage areas are provided on site and enable the storage of waste in a discrete location that will not impact on the amenity of the area. It is noted that residential and retail waste will be appropriately separated and contained within two different communal bin-holding areas. Access and parking arrangement and circulation areas will enable a waste truck to enter and exit the site in a forward direction and appropriate manoeuvrability will be provided to ensure adequate turning areas are provided.</p> <p>In addition, waste is to be appropriately managed during the demolition and construction stages of the development. Further, appropriate waste facilities will be provided for future residents of the proposal. See attached Waste Management Plan and architectural plans for detail.</p>	YES
26	Outdoor Advertising and Signage	The proposal incorporates business identification signage as detailed on the submitted plans however this will be subject to a separate development application in the future.	YES

## Liverpool Development Control Plan 2008: Part 6 Development in Business Areas

All relevant Council controls have been considered in the following compliance table.

	Controls	Comment	Complies
1	Preliminary	<p>The subject site is located within the Miller town Centre, which is a large B2 Local Centre zoned land parcel.</p> <p>The proposed development has been designed and amended in accordance with the LLEP, LDCP, Pre-DA comments and the Design Review Panel comments. As such, the proposal has been designed to ensure that it will incorporate a scale, built form and population density that will help to sustain and support the Miller Town Centre and the existing shopping centre and accentuate the prominent corner gateway location of the site.</p> <p>Overall the proposal will compliment and support the function of the B2 Local Centre by providing additional accommodation opportunities and by activating the street level through the provision of additional retail floor space.</p>	YES
2	Subdivision, Frontage and Allotment Size	There is no change to the existing lot configuration and the portion of the allotment associated with the proposed development will exceed the 20m minimum lot frontage to both Cartwright Avenue and Woodward Crescent.	YES
3	Site Planning	<p>The development is sited and designed to provide safe pedestrian and vehicle access for retail customers, future residents and visitors whilst also ensuring a healthy level of street level activation along Cartwright Avenue noting its 'main street' designation.</p> <p>The proposal is designed in accordance with comments from Council's Design Review Panel to provide a strong and identifiable building form at the prominent corner gateway location that will accentuate the start of the B2 zone and enhance legibility for pedestrians and motorists travelling along Cartwright Street. As advised, Block A has been amended to incorporate additional residential floor area and residential units that will capitalise on the available 1.7:1 FSR to ensure that the proposed redevelopment is of a scale that will support the future desired character of the area.</p>	YES

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		<p>To ensure that the proposal will respect the surrounding scale of development and to provide appropriate solar access and amenity, Block B will step down in height when compared to Block A but will still provide a strong building form along the 'main street' that will help to define the street edge and maintain legibility.</p> <p>The proposal has been designed to ensure that it will not result in unreasonable amenity impacts including overshadowing, view loss, or privacy impacts and it will improve the streetscape presentation of the existing site.</p> <p>Ultimately, the proposal will ensure that this underutilised area within the heart of the Miller town centre will be redeveloped to appropriately revitalise the area and help the B2 zoned lands to achieve their full development and zoning potential. It is noted that a variation to the permitted height control is proposed and a Clause 4.6 Variation with all applicable justification and detail is contained within Annexure 1 at the end of the SEE.</p> <p>Adequate drainage are also measures are proposed to convey stormwater from the site. Please see the specialist plans for further detail.</p>	
4	Setbacks	<p><b>Rear</b></p> <p>The rear section of the subject site is internalised within the overall land holding and is serviced by a centrally located single width exit lane along the southern boundary that feeds into Woodward Lane. As such, the site does not have a typical rear boundary nor does it adjoin any residential land. It is noted that the southern boundary of the site adjoins an existing hotel and commercial unit and consideration has been given to these existing non-sensitive land uses in the design of the proposal.</p> <p>The relevant section of the Basement Level 1 will be setback 1.5m, the at-grade parking area that will be partly elevated at the eastern section of the site due to the cross fall will be setback 1.23m and the upper level residential levels will be setback between 6m-9.1m form the southern (rear) common boundary.</p> <p>The proposed setbacks are considered acceptable on merit noting that pedestrians will be able to safely manoeuvre through the site along the proposed rear</p>	YES

		<p>pathway given the transparent design of the at-grade parking louvres and the proposed design measures such as acoustic and privacy screens and walls, screen plantings, strategically placed planter boxes and apartment design/layout that will ensure no adverse amenity impacts will be created for future residents. It is also acknowledged that amenity impacts do not typically apply to commercial developments and the mid-winter use of the hotel's outdoor areas is likely to be limited.</p> <p><b>Side</b></p> <p>The subject site is bound by roads along its northern (front) and eastern boundaries and as such, will only have one typical side boundary being the common western boundary. This boundary of the subject site adjoins the existing local shopping centre. The DCP prescribes that if a site adjoins land that is also a business zone then a 0m setback is permissible.</p> <p>However, the proposal will provide a 1.23m pedestrian pathway setback along the at-grade parking area and a 5m-7.65m setback for the upper residential levels along this common side boundary.</p> <p>The proposed setbacks are considered acceptable and will ensure appropriate amenity and privacy will be provided for the future residents. In addition, the proposed pedestrian pathway will enable site penetration and the transparent design of the at-grade parking area louvres will ensure that appropriate casual surveillance of these pathway areas will be achieved.</p> <p><b>Front</b></p> <p>The subject site is provided with two street frontages noting its corner location. As such, the proposed development will incorporate a 0m setback along both Cartwright Avenue and Woodward Crescent at the ground level and will provide a 0m-7m setback at the upper residential levels along the northern boundary of the site and 0m-5.5m along the eastern boundary of the site.</p> <p>The DCP does not specify a front setback but advises that the setback will be designed as part of an urban design strategy.</p>	<p>YES</p> <p>YES</p>
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		<p>The proposed 0m setback along the site's prominent frontages will help to define the edge of the B2 local centre zone and will provide a strong building edge that will accentuate the importance of the town centre, improve legibility of the area and also help to activate the street level. The proposed front setbacks along with the proposed access arrangements will ensure that pedestrians can move freely and safely along the main access road to the town centre that will form the 'main street' for Miller. In addition, the variation in the upper level setbacks occurs due to the irregular shape of the site and the proposed high quality articulation of the facades that will ensure that the proposal appropriately addresses both Cartwright Avenue and Woodward Crescent.</p>	
5	Landscaped Areas and Pedestrian Areas	<p>The proposal will incorporate landscape embellishment works that will help to soften the built form of the proposal and that will provide a garden setting for the podium level communal open space. As such, residents will be provided with high quality amenity and both the visual and acoustic privacy levels at the podium level will be enhanced.</p> <p>The landscape embellishment works will include strategically placed raised planters and planter beds that can accommodate canopy plantings and screen plantings.</p> <p>The proposal will substantially improve upon the existing open at-grade car parking area and will improve the street presentation at this section of the site whilst enhancing legibility of the area and the existing shopping centre for both pedestrians and motorists on approach from Cartwright Avenue and Woodward Crescent.</p> <p>The proposal also incorporates pedestrian pathways along the site boundaries and a section of the south eastern at-grade car parking area that will provide direct and equitable access to the eastern entry of the existing shopping centre. Equitable access from the street footpath to the proposed retail units will also be provided as evident in the submitted plans and lift cores will provide access to all levels of the development for future residents and visitors.</p>	YES

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		The proposal has been amended in line with Council's comments where practicable and will ensure that the street level is appropriately activated along with enabling site penetration for pedestrians and accessible access arrangements for all.	
6	Building Form, Streetscape and Layout	<p><b><u>Building Form</u></b></p> <p>The proposed top shop housing development represents a modern mixed use building that has been designed to appropriately address its prominent corner and two street frontages with a scale of development that will create a focal point for the town centre and with facades that are well articulated to contain a mixture of vertical and horizontal features including windows, projecting and receding walls and balconies, framed elements, blade walls, planter boxes, louvres and a mixed palette of materials, colours and finishes.</p> <p>In addition, the provision of the residential floor space within two distinct building masses will also help to moderate the scale and bulk of the proposal with each block also being designed to have an individual form with a range of exterior design elements.</p> <p><b><u>Building Materials</u></b></p> <p>The range of materials will significantly contribute to the articulation of the building and will help to reduce the overall bulk and mass of the building. Please see attached plans for detail. The materials and finishes to be used will be consistent with that existing in the area while also being contemporary in character.</p> <p><b><u>Entrances</u></b></p> <p>Direct and unimpeded access is provided with the main entrances to both the commercial and residential components of the proposed shop top housing development being accessible for all members of the community.</p> <p>Separate entries are provided for cars and pedestrians with multiple entrances for the commercial tenancy also provided. Please see plans for detail.</p> <p>The residential entries are clearly defined to ensure that visitors and future residents can gain</p>	<p>YES</p> <p>YES</p> <p>YES</p>

		<p>convenient access to the subject site.</p> <p>Appropriate lighting will be provided to the ground floor commercial component and residential lobby areas and access to the residential component of the development will be security controlled</p> <p><b><u>Street Frontage</u></b>  The proposed 0m front boundary setbacks will activate the street level and will also provide a strong building form that will help to define the 'main street'. As outlined above the proposal has been designed to address the prominent corner location and secondary street frontage along Woodward Crescent.</p> <p>In addition, the proposed retail units will be appropriately glazed and blank or solid walls have been limited as much as practicable.</p> <p><b><u>Awnings</u></b>  Provide continuous street frontage awnings to all new developments - the proposed awnings will not be continuous – does this design help to better define the residential entry lobby area? Council may still seek a continuous awning to enhance street level activation as there will be a large gap between the 2 proposed awnings over the retail units.</p> <p><b><u>Roof Forms</u></b>  The proposal incorporates a contemporary flat roof that will minimise the bulk of the proposal, reduce the potential for overshadowing of adjoining properties and will not dominate the streetscape.</p> <p>In addition, lift overruns, roof top plant and stairwells will be located to ensure that they will not be visible from the street level.</p> <p><b><u>Dwellings Above Shops</u></b>  The proposed balconies represent an extension of internal living areas and will be oriented to provide an interface with the public domain in a visually prominent location whilst also ensuring that passive surveillance will be provided for the podium level communal open space area, the driveway areas and the pedestrian pathways around the site's boundary to enhance safety.  The upper level residential area will be accessed</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
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		<p>from a secured lobby area via Cartwright Avenue and the units will be appropriately dimensioned and designed to enable cross ventilation and solar penetration.</p> <p><b>Adjoining Residential Areas</b> The subject site is benefitted in that it does directly adjoin any sensitive land uses noting that it is bound by commercial and a hotel land use along the southern and western boundaries and roads along the northern and eastern boundaries.</p> <p>Notwithstanding, the proposal has been designed with appropriate levels of separation and setbacks to comply with the intentions of the DCP and RFDC and will not create any adverse amenity, environmental or privacy impacts on surrounding developments.</p> <p><b>B2 Local Centres</b> The proposed development has been designed to enable pedestrians to permeate the site and will provide a direct access link from the at-grade parking area to the eastern entry point of the existing shopping centre. The strong building form along Cartwright Avenue will enhance legibility of the area and will help to define the edge of the town centre.</p> <p>The proposed shop top housing is also permitted by the DCP and the vehicular access and parking arrangements have been integrated with the overall design of the development as evident in the submitted architectural plans.</p> <p>It is noted that the existing shopping centre has designated drop off points for public transport and the proposal will benefit from these existing arrangements.</p> <p>The design concept for the proposed development was formulated to respond to Council's Design panel comments and the wish to accentuate the prominent gateway corner location to the town centre. As such, the proposal will provide a taller building form at the corner to pronounce the town centre and enhance legibility for pedestrians and motorists on approach from Cartwright Avenue and Woodward Crescent. The proposal has been designed to ensure that the relevant facades will</p>	YES
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		address their street frontages so as to provide passive surveillance form living areas and external balconies that will augment safety and security within the area.	
7	Landscaping and Fencing	<p>A detailed landscape concept plan is submitted in support of the proposed development.</p> <p>It is noted that the proposal will incorporate landscape embellishment works that reflect the commercial and car parking nature of the ground floor levels and the residential component of the upper levels. As such, street tree plantings will provide enhanced amenity for pedestrians and a buffer between the adjoining roads and the public footpaths to improve street level activation with strategically placed raised planter beds located at the ground level to break up the built form of the street wall.</p> <p>In addition, the podium level will incorporate a more extensive level of planting and vegetation within raised planter beds to provide a garden setting and enhance privacy and amenity for future residents noting that this level will also accommodate the communal open space areas and facilities.</p>	YES
8	Car Parking and Access	<p>Addressed previously in this statement.</p> <p>Notwithstanding, the proposed car parking arrangements have been appropriately integrated with the design of the overall development and the proposed retail units will help to obscure the at-grade parking area to ensure that no adverse visual or physical impacts will be created along Cartwright Avenue.</p>	YES
9	Amenity and Environmental Impact	<p>The development proposal will not generate unreasonable privacy or amenity impacts to the surrounding residential properties noting Cartwright Avenue and Woodward Crescent separate the site from these developments and noting that the site does not adjoin any sensitive land uses along its southern and western boundaries.</p> <p>An Acoustic report is submitted as requested outlining that future residents can achieve high quality acoustic amenity subject to mitigation measures noting the proximity of adjoining car parks to the subject site and the proximity of the classified road.</p>	YES



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		Furthermore, the development will be provided with appropriate sunlight access, cross-ventilation and daylight access.	
10	Site Services	<p>The proposal has been designed to ensure that all necessary site facilities will be accommodated within the development to service the needs of future residents.</p> <p>As such, letter boxes, storage areas and street numbering will be appropriately designed, dimensioned and located to comply with Council requirements.</p> <p>The proposal will also incorporate appropriate separate waste storage facilities for both the retail and residential components of the development as evident in the submitted plans and as detailed in the WMP.</p>	YES
11	Non Business Uses	<p>The proposal will appropriately provide additional retail units and complimentary parking at the ground floor level that will reinstate and integrate the existing car parking provisions of the site within the overall design of the mixed use development. The proposed upper residential component above the podium level communal open space will enhance patronage of the area and local businesses.</p> <p>As such, the proposal will be both complimentary and consistent with the B2 Local Centre zoning.</p>	YES
<b>12 Shop Top Housing</b>			
12	Shop Top Housing	<p>The proposal has been designed to provide balconies that range in areas from 12m<sup>2</sup> – 138m<sup>2</sup>. Whilst some balconies will not comply with the 16m<sup>2</sup> minimum area, they will have a minimum depth of 2.4m and will provide functional and useable private open space for future residents and all balconies meet RFDC requirements for varying unit sizes (i.e. smaller for 1 bed units, larger for 3 bed units). It is noted that the range of balconies will help to provide different pricing points for the apartments that will contribute towards affordability. In addition, the balconies have been designed to be an extension of indoor living areas and can accommodate freestanding clothes drying devices.</p> <p>As such, the proposed balconies are considered appropriate.</p>	Minor Variation but Complies with RFDC

12.1	Building Design	<p><b><u>Building Appearance and Streetscape</u></b></p> <p>The proposal has been designed to align with the design principles established under the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings Shop as elucidated by the Design Verification Statement prepared by Architex.</p> <p>The proposed top shop housing development represents a modern mixed use building that has been designed to appropriately address its prominent corner and two street frontages with a scale of development that will create a focal point for the town centre and with facades that are well articulated to contain a mixture of vertical and horizontal features including windows, projecting and receding walls and balconies, framed elements, blade walls, planter boxes, louvres and a mixed palette of materials, colours and finishes.</p> <p>In addition, the provision of the residential floor space within two distinct building masses will also help to moderate the scale and bulk of the proposal with each block also being designed to have an individual form with a range of exterior design elements.</p> <p><b><u>Roof Design</u></b></p> <p>The proposal incorporates a contemporary flat roof that will minimise the bulk of the proposal, reduce the potential for overshadowing of adjoining properties and will not dominate the streetscape.</p> <p>In addition, lift overruns, roof top plant and stairwells will be located to ensure that they will not be visible from the street level.</p> <p><b><u>Building Entry</u></b></p> <p>Direct and unimpeded access is provided with the main entrances to both the commercial and residential components of the proposed shop top housing development being accessible for all members of the community.</p> <p>Separate entries are provided for cars and pedestrians with multiple entrances for the commercial tenancy also provided. Please see plans for detail.</p> <p>The residential entries are clearly defined to ensure</p>	<p>YES</p> <p>YES</p> <p>YES</p>
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		<p>that visitors and future residents can gain convenient access to the subject site.</p> <p>Appropriate lighting will be provided to the ground floor commercial and parking components and residential lobby areas and access to the residential component of the development will be security controlled</p> <p><b><u>Balconies</u></b></p> <p>The proposed balconies represent an extension of internal living areas and will be oriented to provide an interface with the public domain in a visually prominent location whilst also ensuring that passive surveillance will be provided for the podium level communal open space area, the driveway areas and the pedestrian pathways around the site's boundary to enhance safety.</p> <p>The balconies will appropriately project and recede from the building line to enhance architectural interest and privacy whilst also ensuring high quality articulation of the built form. In addition, the balconies have been designed to permit solar penetration whilst also being highly useable and functional in layout with a minimum dimension of 2.4m so that they can accommodate seating and a table area. Furthermore, appropriate screening and both sliding and folding louvres will be provided along with smart orientation of the balconies to ensure that no adverse acoustic or visual privacy impacts will be created for adjoining developments and the future residents of the proposal.</p> <p><b><u>Daylight Access</u></b></p> <p>The proposal has been designed to ensure that internal living areas, private open space areas and the podium level communal open space area will receive appropriate levels of solar access and it is considered that fenestrations will be dimensioned and located to maximise solar access where practicable to ensure that the overall proposal will also maintain high quality apartment layouts whilst also establishing privacy and amenity for future residents and adjoining properties.</p> <p><b><u>Internal Design</u></b></p> <p>As outlined above, the proposed development has been designed in accordance with the key principles established under SEPP 65 and the RFDC and the</p>	<p>YES</p> <p>YES</p> <p>YES</p>
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		<p>design concept will deliver a building that addresses the site's unique irregular shape, prominent corner location and strategic town centre zoning.</p> <p>As such, it is considered that the proposed internal and external design of the proposed development will on balance provide a development outcome that responds to the site's unique context and that will provide additional retail opportunities within an underutilised section of the Miller town centre and high quality amenity for future residents.</p> <p>Please refer to the architectural plans and specialist reports submitted in support of the proposed development.</p> <p><b><u>Ground Floor Dwellings</u></b> N/A</p> <p><b><u>Security</u></b> The proposed development incorporates an active façade that will permit casual surveillance of both Cartwright Avenue, Woodward Crescent, the driveway areas, the internal pedestrian pathways and the podium level communal opens space area.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private spaces in order to minimise opportunity for criminal activity.</p> <p>The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain. Clear entry points are proposed, that are easily read by resident, visitor and passer by alike. It is considered that the proposal will not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding developments and noting the site is located within the 'heart' of Miller.</p>	<p>N/A</p> <p>YES</p>
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		<p>All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p> <p><b><u>Natural Ventilation</u></b></p> <p>The proposal has been designed to incorporate a predominance of dual aspect cross-ventilated apartments and as such will comply with the intentions of this section of the DCP.</p> <p><b><u>Storage Areas</u></b></p> <p>All units will be provided with storage within the basement and additional wardrobe storage areas within the apartments. As such, each unit will be provided with at least 8m<sup>3</sup> of storage to comply with this section of the DCP.</p>	<p>YES</p> <p>YES</p>
12.2	Landscaping and Fencing	<p>A detailed landscape concept plan is submitted in support of the proposed development.</p> <p>It is noted that the proposal will incorporate landscape embellishment works that reflect the commercial and car parking nature of the ground floor levels and the residential component of the upper levels. As such, street tree plantings will provide enhanced amenity for pedestrians and a buffer between the adjoining roads and the public footpaths to improve street level activation with strategically placed raised planter beds located at the ground level to break up the built form of the street wall.</p> <p>In addition, the podium level will incorporate a more extensive level of planting and vegetation within raised planter beds to provide a garden setting and enhance privacy and amenity for future residents noting that this level will also accommodate the communal open space areas and facilities.</p>	YES
12.3	Car Parking and Access	<p>Addressed previously in this statement.</p> <p>Notwithstanding, the proposed car parking arrangements have been appropriately integrated with the design of the overall development and the proposed retail units will help to obscure the at-grade parking area to ensure that no adverse visual or physical impacts will be created along Cartwright Avenue.</p>	YES



		<p>Furthermore, the residential car parking components will be appropriately separated from the public car parking facilities to enhance safety and security. It is noted that staff parking spaces will be provided within the basement along with resident and visitor parking spaces but the use of security keys for staff will ensure that this parking element will be appropriately regulated to reduce any potential for negative safety or security issues.</p>	
12.4	Amenity and Environmental Impact	<p><b><u>Privacy</u></b></p> <p>The proposal will provide adequate separation and setbacks in accordance with the DCP. It is noted that the subject site is located within a business zone and is benefitted in that it does not directly adjoin any residential developments noting that the subject site contains a mixture of commercial and retail uses and that roads along the northern and eastern boundaries bind the site.</p> <p>The proposal contains appropriate separation and setbacks where practicable and design elements that seek to reduce potential visual privacy and acoustic impacts and promote a high standard of residential amenity. This includes the smart siting/layout of units and habitable areas of units, the location/size of windows and balconies, enclosed balconies, privacy walls, sliding and folding louvres, sections of blank facades, strategically placed planters, highlight and offset windows, steel framed window surrounds and opaque glazing.</p> <p>It is considered that the proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by surrounding properties or prejudice future development on adjoining sites.</p> <p><b><u>Acoustic Impact</u></b></p> <p>The proposal will have limited acoustic impacts to adjoining properties given the design and layout of the proposed development as it relates to surrounding properties. Internal places are appropriately zoned into passive and more active areas. In addition, the proposal is well removed from external sources of noise. However, noting the location of the adjoining car parking areas and the</p>	<p>YES</p> <p>YES</p>

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		classified Cartwright Avenue an Acoustic Report is submitted as requested by Council in the Pre-DA comments and which outlines that appropriate noise levels and amenity can be provided for future residents subject to mitigation measures.	
13	Restaurants/Outdoor Cafes	N/A	N/A
14	Child Care Centres	N/A	YES

## 7. Conclusion

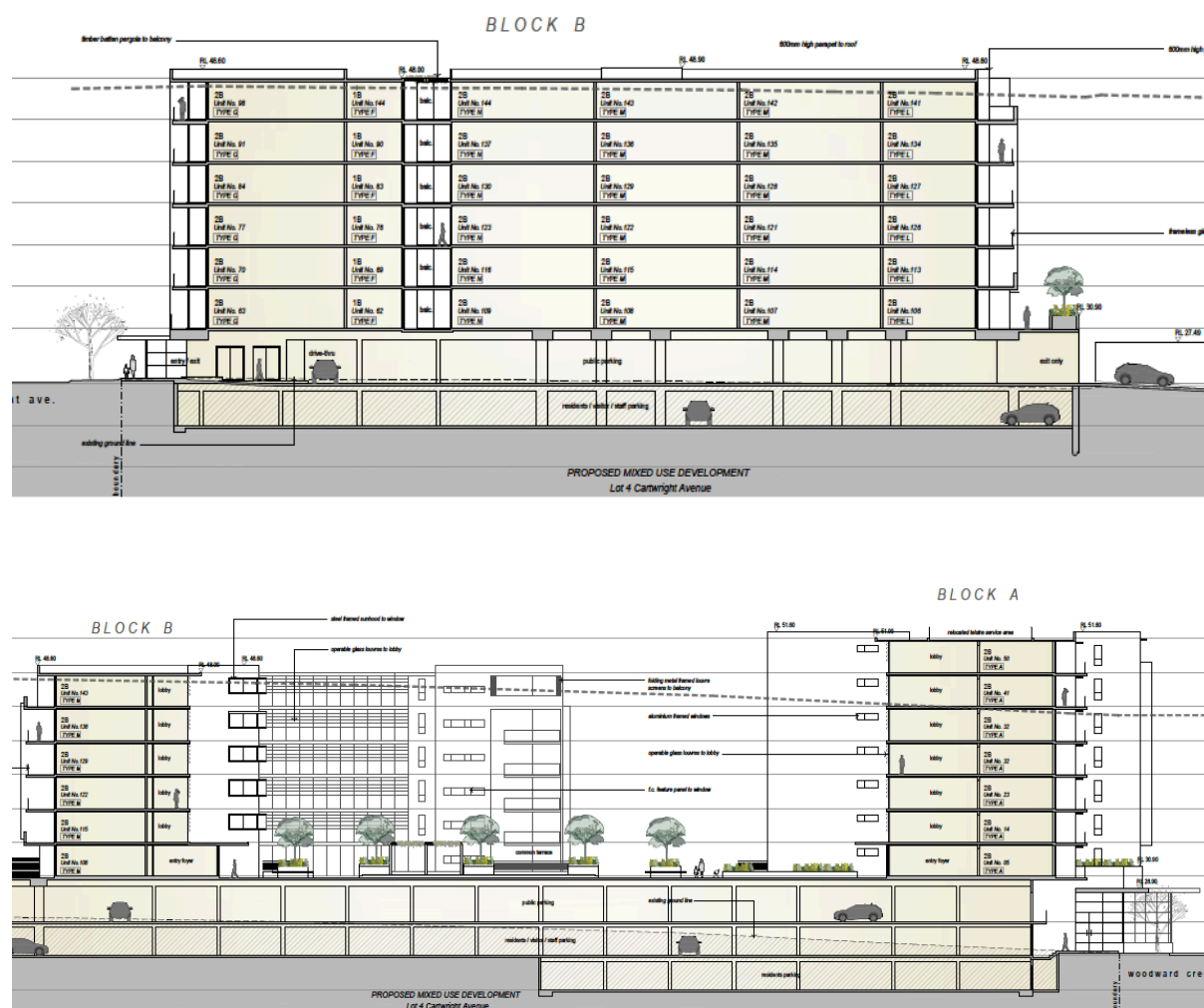
Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

## Annexure 1: Clause 4.6 Variation to Building Height

As addressed previously within this statement and as evident in the section extract below and the architectural plans submitted with the application, the proposed development will comprise a 7-9 storey mixed use building with 2 x ground floor retail units, at-grade and basement parking and 2 x shop top housing blocks over a podium level communal open space with a roof height that exceeds the maximum permitted 21m building height allowance under the provisions of the LLEP 2008. As such, a Clause 4.6 variation to the height control is proposed to accommodate the proposal and the relevant detail and justification is provided below.



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As shown on the 3d photomontage below the proposal is designed to emphasise the corner to provide a key marker/gateway building into the Miller Local Centre:





The extent of non-compliance equates to 8.1m or 38.5% of the control for Block A and 2.6m or 12.3% for Block B (at the worst affected points). The proposed non-compliance occurs as a result of the proposal being designed to deliver a development that will accentuate the prominent corner and strategic gateway location of the subject site within the heart of the Miller Town Centre. As such, the proposal will deliver a scale of development that will take advantage of the permitted 1.7:1 FSR and that will help to revitalise the existing town centre core. It is noted that strict compliance could be achieved by 'squashing' the unit numbers into the lower levels these will reduce amenity, and not present an appropriate urban design outcome on the site commensurate with the gateway role that the site plays. The emphasis of height on the corner is a long standing Urban Design principle and the variations are focused at the corner- with the variation to Block B being a function of topography and providing for increased floor to ceiling heights to the commercial space and parking areas.

The proposed design concept and building heights are regarded as being appropriate for the subject area noting the strategic location of the site within the Miller Town Centre and that the area is tasked with supporting both the function and growth of the town centre as per the LDCP.

As such, the proposed mixed use development will clearly establish and identify the importance of the B2 zoned Local Centre lands and the strategic location of the subject site at the eastern focal of the Miller Town Centre with local bus stops within close proximity. Furthermore, the proposed development will comply with the permitted FSR control with a total FSR of 0.98:1, which ensures that the scale of the development is appropriate considering the size of the overall landholding.

Clause 4.6 of the Liverpool Local Environmental Plan 2008 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

- (3) 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.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*
  - (a) the consent authority is satisfied that:*
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for*



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*development within the zone in which the development is proposed to be*  
*carried out, and*  
*(b) the concurrence of the Director-General has been obtained.*

- (5) In deciding whether to grant concurrence, the Director-General must consider:*  
*(a) whether contravention of the development standard raises any matter of*  
*significance for State or regional environmental planning, and*  
*(b) the public benefit of maintaining the development standard, and*  
*(c) any other matters required to be taken into consideration by the Director-*  
*General before granting concurrence.*

Each of these provisions are addressed individually below.

### **Clause 4.6(3)**

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the Height development standard are stated as:

- (1) The objectives of this clause are as follows:*  
*(a) to establish the maximum height limit in which buildings can be designed and floor*  
*space can be achieved,*  
*(b) to permit building heights that encourage high quality urban form,*  
*(c) to ensure buildings and public areas continue to receive satisfactory exposure to the*  
*sky and sunlight,*  
*(d) to nominate heights that will provide an appropriate transition in built form and land*  
*use intensity.*

The current development proposal is designed to be consistent with the comments received from Council's Design Review Panel during the Pre-Lodgement Process, however the proposal remains consistent with the objectives based on the following:

- Councils Design Review Panel have asked that the proponent explore increasing the scale and floor area of Block A so that it appropriately accentuates the prominent corner and gateway location of the site at the eastern corner of the 'heart' of Miller's Town Centre. This is the approach taken by the development concept to align with these comments;
- The overall site is permitted a 1.7:1 FSR and currently the site is underutilising the permitted FSR and does not deliver on its strategic location at the heart of Miller. Therefore, therefore the increased height permits additional units to be delivered on site that will aim to deliver a critical mass/population density in the area that is commensurate with the site's strategic location and that will serve to revitalise the area. Across the entire site the development remains well below the maximum FSR and redevelopment of the existing shopping centre is unlikely to occur in the near

future and as such it is appropriate to transfer the anticipated density to the corner through the increased height;

- The higher population density aligns with the principles of urban consolidation noting the proximity of bus stops and the level of services to the Miller shopping centre and even the centre itself. The increased population in the area will help to sustain local businesses and the enhanced viability may even see the upgrading/improvement of the existing retail/commercial services and the opening of new services.
- It is also acknowledged that amenity impacts do not typically apply to commercial developments and the mid-winter use of the hotel's outdoor areas is likely to be limited with shadow impacts to surrounding development being limited and ensuring that they retain 3 hours of solar access at mid-winter;
- Upper floor levels are designed as penthouse verandas that will moderate the scale of the proposal by providing a recessive appearance giving a defined base middle and top to the building as reflected in the photomontage;
- The proposed buildings will present an appropriate bulk and scale on the site with a podium element design and slender tower above that will deliver a complying overall FSR of less than 1:1. The additional height does not generate any additional amenity impacts given the location of the site and the surrounding site context;
- The proposed additional floor levels will ensure that the area is provided with a high density of residential development to support the growth of Miller and to align with the principles of urban consolidation that seek to ensure the efficient use of community infrastructure by providing higher density residential development at strategic locations,
- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors - noting that as the site is an 'island' there are limited privacy impacts to other development as they are separated by roads,

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in these unique circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

#### **Clause 4.6(4)**

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition the proposal is consistent with the objectives of the B2 zone, being:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential and other accommodation while maintaining active retail, business or other non-residential uses at street level.*
- *To facilitate a high standard of urban design and a unique character that contributes to achieving a sense of place for the local community.*

The proposal will provide a high quality mixed use development in a strategic location within the 'heart' of the Miller Town Centre, along the 'main street' and within close proximity to local bus stops/interchange to maximise public transport patronage and to encourage walking and cycling. The scale of the development will help to revitalise the area with the proposed ground level, street facing retail units and street tree plantings enabling the activation of Cartwright Avenue. As a result, the development will contribute towards creating a vibrant and sustainable neighbourhood that will support both the function and growth of the Miller Town Centre to appropriately service the needs of the surrounding and established residential areas.

The proposal is deigned to set the tone and scale for comparable future developments within the locality whilst adhering to high quality design principles. Furthermore, the proposal will complement and enhance the local streetscape by virtue of the strong articulated podium building line and upper level residential blocks and will provide clear legibility for both pedestrians and motorists on approach form Cartwright Avenue and Woodward Crescent.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

#### **Clause 4.6(5)**

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precent for future development within the locality based on the observed building forms in the locality.

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

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The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining property to the north west and south east.

The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.