SYDNEY SOUTH WEST PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2015SYW138
DA Number	DA-631/2015
Local Government Area	Liverpool City Council
Proposed Development	Demolition of existing buildings, tree removal and the construction of two 9-storey residential flat buildings containing 116 residential apartments over two levels of basement parking with associated landscaping and ancillary site works.
Street Address	8-12 Copeland Street and 7-9 Castlereagh Street, Liverpool (Part Lot B DP 433791, Lot D DP 374032, Lot C DP 374032, Lot B DP 374032, Lot A DP 374032)
Applicant	Mosca Pserras Architects Pty Ltd
Owner	Castlereagh Street Development Pty Ltd
Date of DA Lodgement	9 July 2015
Number of Submissions	One
Regional Development Criteria (Schedule 4A of the Act)	The development has a CIV of $29,845,000

List of All Relevant s79C(1)(a) Matters	• *List all of the relevant environmental planning instruments: s79C(1)(a)(i)*
	  • State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.
	  • State Environmental Planning Policy No.55 – Remediation of Land.
	  • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
	  • State Environmental Planning Policy (Infrastructure) 2007.
	  • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
	  • Liverpool Local Environmental Plan 2008.
	• *List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)*
	  • LLEP 2008 Amendment No 53.
	• *List any relevant development control plan: s79C(1)(a)(iii)*
	  • Liverpool Development Control Plan 2008.
	  - Part 1 – General Controls for all Development.
	  - Part 4 – Development in the Liverpool City Centre.
	• *List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)*
	  • No planning agreement relates to the site or proposed development.

	• *List any coastal zone management plan: s79C(1)(a)(v)*
	  • The subject site is not within any coastal zone management plan.
	• List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288
	  • Consideration of the provisions of the Building Code of Australia.

List all documents submitted with this report for the panel's consideration	1. Architectural plans 2. Landscape plan 3. Stormwater drainage plan 4. Survey plan 5. Recommended conditions of consent 6. Statement of Environmental Effects 7. SEPP 65 Verification Statement, Design Principles and Compliance Table 8. Acoustic Report 9. Waste Management Plan 10. Traffic and Transport Assessment Report 11. Arboricultural Impact Assessment Report 12. BASIX Certificate 13. Design Excellence Panel Comments 14. Objection
Recommendation	Approval, subject to conditions
Report Prepared by	Rodger Roppolo – Senior Development Planner
Report date	13 March 2017

Summary of s79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	**Yes**
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*	**Yes**
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**No**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*	**No**
Conditions Have draft conditions been provided to the applicant for comment? *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*	**Yes**

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

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

1.2 The proposal

The application proposes the demolition of existing buildings, tree removal and the construction of two 9-storey residential flat buildings containing 116 residential apartments over two levels of basement parking with associated landscaping and ancillary site works.

1.3 The site

The site is identified as 8-12 Copeland Street and 7-9 Castlereagh Street, Liverpool and is legally described as Part Lot B DP 433791, Lot D DP 374032, Lot C DP 374032, Lot B DP 374032 and Lot A DP 374032.

1.4 The issues

The main issues identified in the assessment relate to the non-compliance with the side setback and site coverage controls within the Liverpool Development Control Plan 2008 (LDCP 2008).

1.5 Exhibition of the proposal

In accordance with the LDCP 2008, the application was not required to be notified. However, one submission objecting to the proposed development was received.

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979. Based on the assessment of the application and the consideration of the variation to the LDCP 2008 controls, it is recommended that the application be approved subject to the recommended conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The site is located within the Liverpool CBD and is legally comprised of 5 lots being Part Lot B DP 433791, Lot D DP 374032, Lot C DP 374032, Lot B DP 374032 and Lot A DP 374032. The site is irregular in shape with an area of 3,602m^2. The site is bounded by Castlereagh Street to the east and Copeland Street (Hume Highway) to the west.

Existing development on site consists of five single storey detached dwellings which are utilised for private residential purposes. Two of these have a frontage to Castlereagh Street with the remaining three facing Copeland Street.

The deposited plan does not identify any easements or restrictions on the site.

An aerial photograph of the development site and photographs of the existing development are provided below.

Figure 1 – Aerial photograph of the site

Figure 2 – Existing development on site, viewed from Castlereagh Street

Figure 3 – Existing development on site, viewed from Castlereagh Street

Figure 4 – Existing development on site, viewed from Copeland Street

Figure 5 – Existing development on site, viewed from Copeland Street

2.2 The locality

The immediate locality consists of a range of development comprising of low and high density residential development.

Immediately to the south are a number of single residential dwellings facing Castlereagh Street and Copeland Street. Further south on the corner of Copeland Street and Campbell Street is an 8-storey residential flat building. A number of other residential flat buildings are located further south of Campbell Street. Adjoining the site to the west is Copeland Street, which is identified as a classified road. Further west of Copeland Street is Brickmakers Creek. To the east of the site is Castlereagh Street. On the opposite side of Castlereagh Street are a number of residential flat buildings, a 9-storey building immediately opposite the site, a 4-5 storey building further to the north-east and another 8-9 storey building to the south east.

An aerial photograph of the locality and photographs of the immediate development is provided below:

Figure 6 – Aerial photograph of the locality

Figure 7 – Existing development immediately opposite the site on Castlereagh Street

Figure 8 – Looking north along Castlereagh Street

Figure 9 – Looking south along Copeland Street

Figure 10 – Looking north along Copeland Street.

2.3 Adjoining Development

Figure 11 below outlines all existing, proposed and approved development within the immediate context of the site.

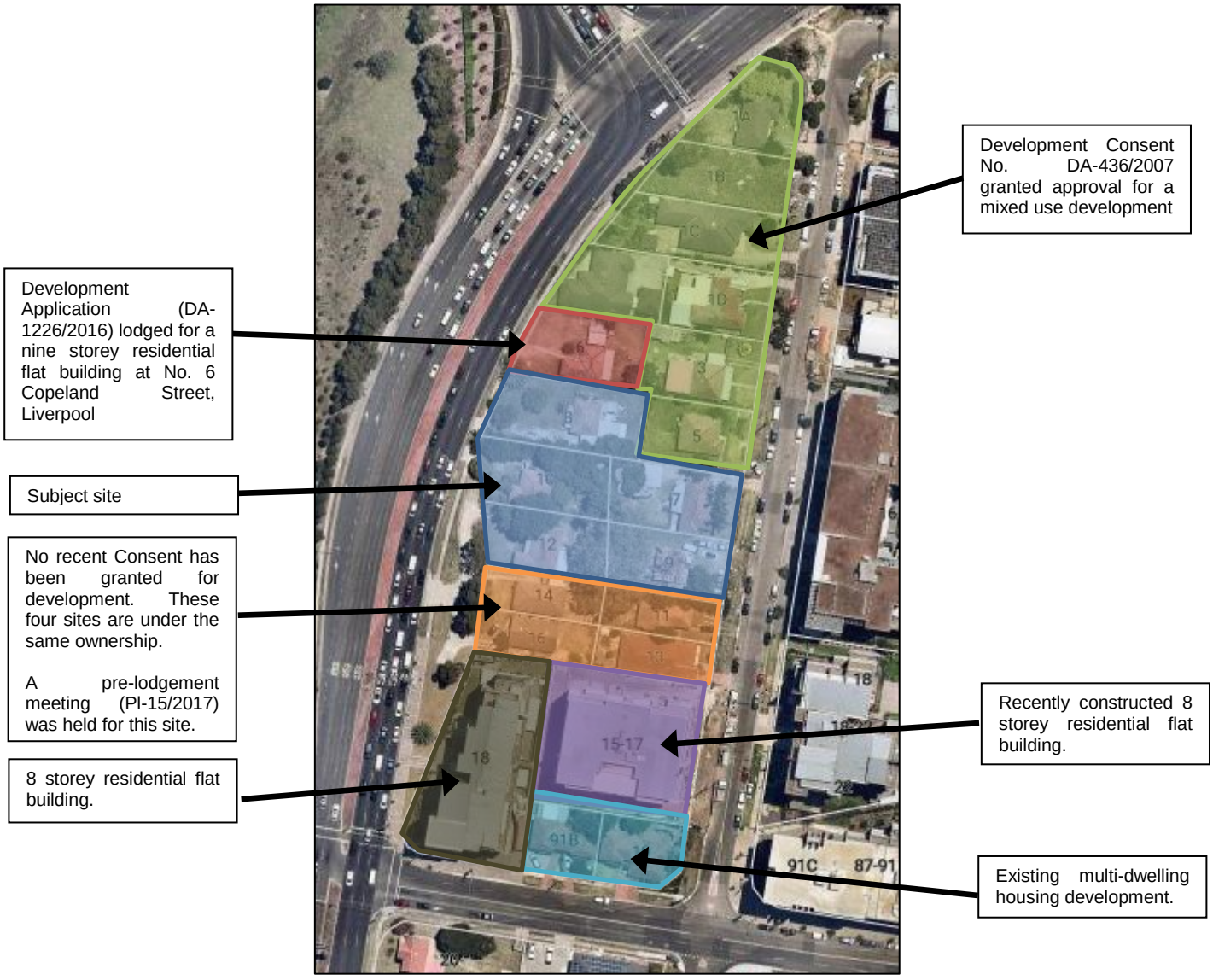

Figure 11 – Site context plan

Further details on the relevant applications are as follows:

PL-15/2017
A pre-lodgement meeting was held on the 22 February 2017, which proposed two eight storey residential flat buildings at 14-16 Copeland Street and 11-13 Castlereagh Street Liverpool (as shaded in orange above).

An extract of how the proposed development relates to this DA is provided below.

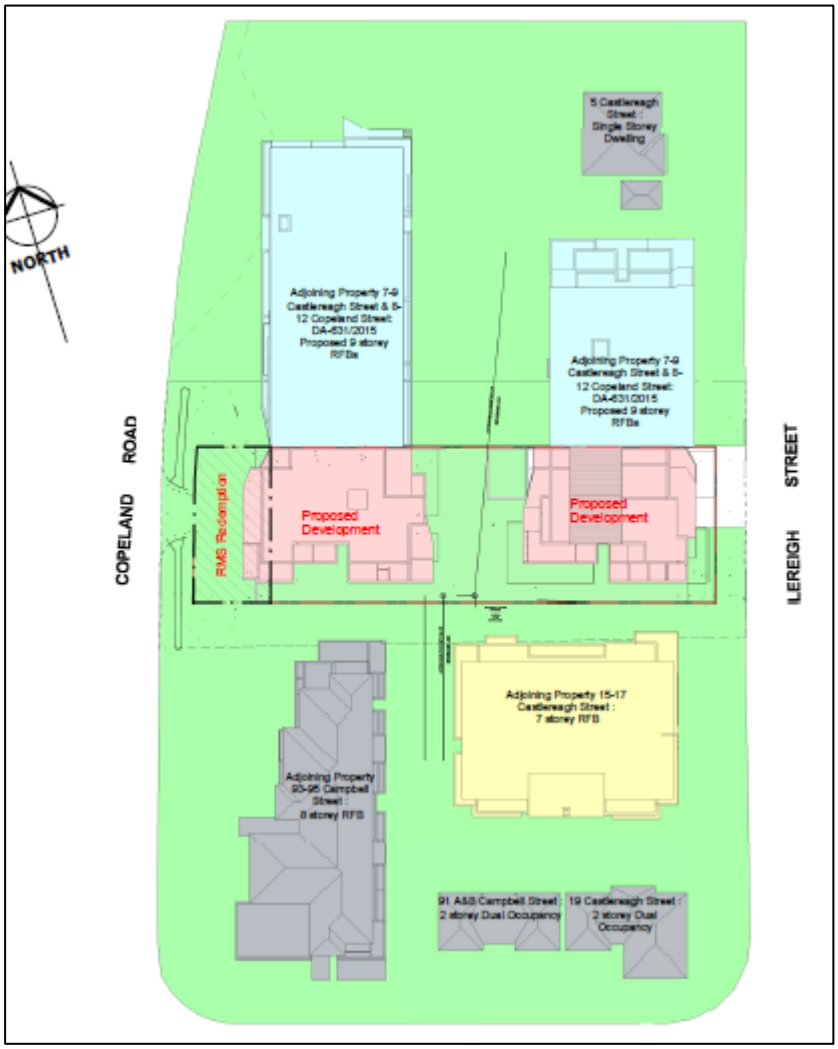

Figure 12 – Extract of the proposed site plan for PL-15/2017

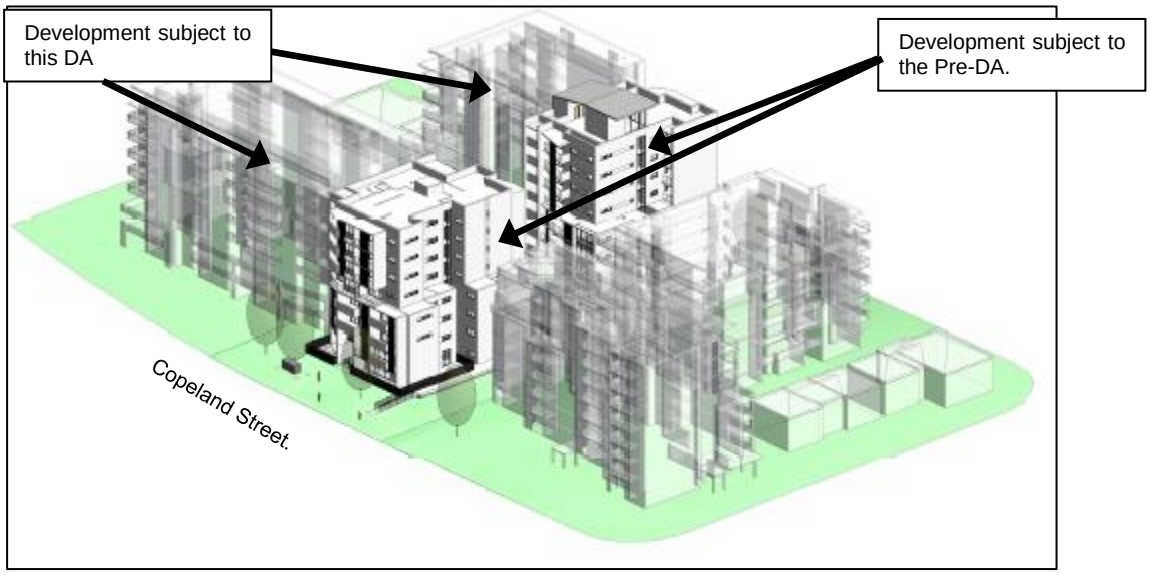

Figure 13 – Extract of the proposed development for PL-15/2017

As demonstrated above, the proposed development will adjoin the subject development.

DA-436/2007

Development Consent No. DA-436/2007 granted approval for an 11 storey mixed use development on the site (as shaded green above). The approved development consisted of 4 levels of basement car parking, 6 premises to be used as neighbourhood shops and 171 residential units. An extract of the approved site plan is provided below:

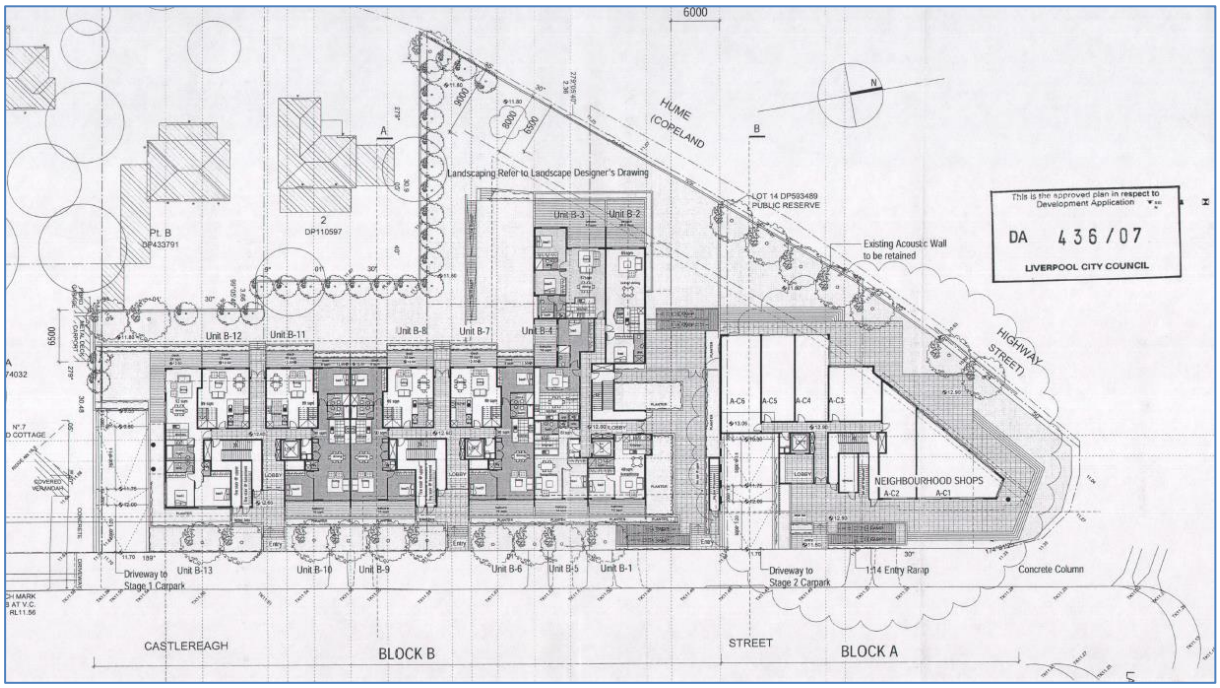

Figure 14 – Extract of the approved site plan for DA-436/2007

Consent was granted on 30 October 2008, with the consent to lapse on the 30 October 2013 (unless physically commenced). A search of Council records indicates that no construction certificate has been issued and a site inspection indicated that no physical works have been undertaken. As such, the consent has lapsed.

DA-1226/2016

Development Application No. DA-1226/2016 was lodged on the 19 December 2016, which proposes the construction of a nine storey residential flat building containing 18 residential units at 6 Copeland Street, Liverpool (as shaded in red above).

The application is currently under assessment by Council.

2.4 Site affectations

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

Flooding

The site is located within the Brickmakers Creek catchment. Due to the recent construction of the Amalfi Park detention basin, the site is no longer affected by flooding under the 1% annual exceedance probability event. However, the site is still affected by the probable maximum flood event.

The development has been designed to ensure that the finished floor levels are not lower than the flood planning levels (i.e. 11m + 0.5m freeboard = 11.5m AHD).

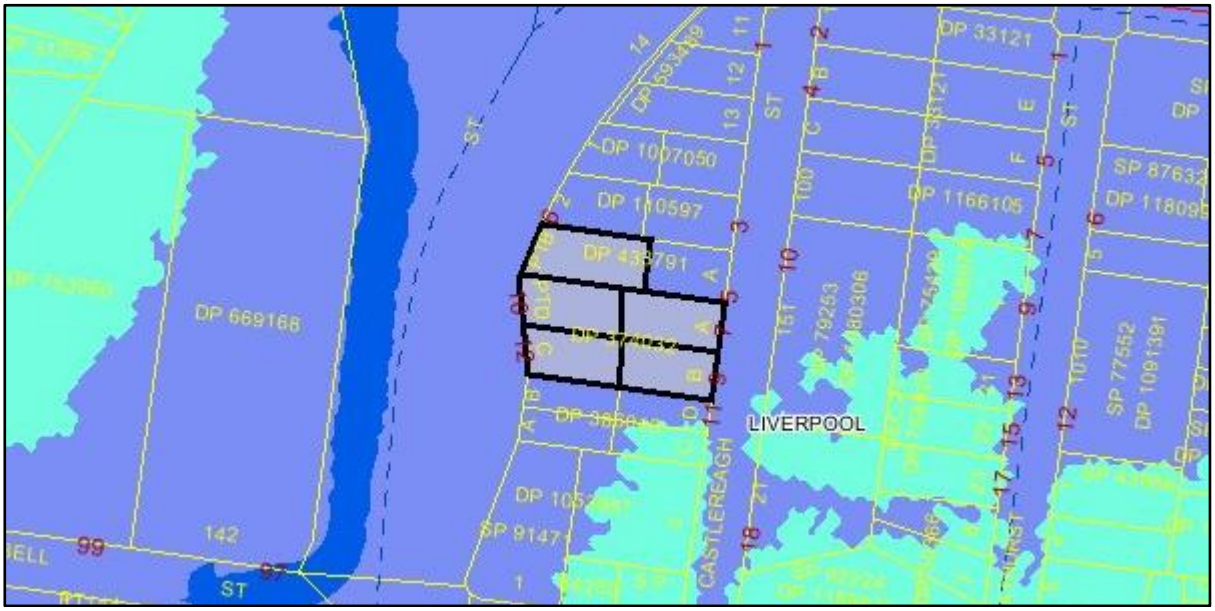

Figure 15 – Extract of the flood prone map.

Road Resumption

The land immediately fronting the site on Copeland Street (as shaded green in the figure below) was previously land associated with the Copeland Street road reserve. This land provided vehicular access to the existing dwellings. Given the proposed development, this access arrangement from Copeland Street was no longer required, as vehicular access to the proposed development will be provided from Castlereagh Street.

Given the above, a road closure application was lodged by Council in order to remove this redundant access arrangement. The application was gazetted on the 16 December 2016, as such this land is no longer a road reserve and the land now remains vested in Council as operational land for the purposes of the Local Government Act 1993.

Figure 16 - Map showing the portion of the former road reserve, which is now operational land.

Council does not require this land and it is anticipated that the land will eventually be sold to the adjoining land owner and incorporated as open space as part of the proposed development. The owner is currently in negotiations to purchase this land from Council.

It is noted that the area associated with the former road reserve has not been included in the overall site area when calculating the FSR. However, the former road reserve is used in order to achieve the required 8 metre front setback from Copeland Street. All elements of the proposed development are located outside of the former road reserve, except for the pedestrian footpaths.

No concerns have been raised by Council's Property Section in relation to using this land to achieve the 8 metre setback requirement and for the construction of the proposed pedestrian pathways on Council land, as this land will eventually be sold to the owner of the proposed

development. Owners consent has also been provided from Council to include the land associated with the former road reserve as part of the development application.

A planning proposal (Draft Amendment 52) is also currently in place to rezone this land from SP2 – Classified Road to R4 – High Density Residential. Further discussion on the planning proposal is provided in Section 6.2 of this report.

3. BACKGROUND

3.1 Issues Identified in Initial Assessment

Following on from a preliminary assessment of the application, Council sought further information and clarification from the applicant regarding the following items:

- *There shall be no building encroachments into the SP2 zone.*

Comment: The original development had small section of the corner of the building encroaching into the SP2 zone land. The application was amended to ensure that there were no building encroachments within the SP2 zone.

- *Building separation distances and setbacks: In order to achieve compliance with the building separation distances and setback controls of the LDCP 2008 and the ADG the following side setbacks are applicable to the northern boundary:*
    - *6m to the balconies of Block A, Level 1.*
    - *6m to the building of Block B, Level 2 and Level 3 and the balconies of Block A, Level 2 and Level 3.*
    - *9m to the building of Block A and Block B, Level 4, Level 5, Level 6 and Level 7*
    - *12m to the balconies of Block B, Level 8.*
    - *12m to the building and balconies of Block A, Level 8.*

Comment: The development was amended to comply with the above setbacks.

- *Design Excellence Panel (DEP) – The proposal shall address the comments provided by the DEP.*

Comment: As discussed below in Section 3.2, the application has been amended to address the comments provided by the DEP.

- *An amended waste manage plan is to be submitted*

Comment: The waste management plan was amended to ensure that larger bins (660L) are utilized, in order to reduce the number of bins presented to the street kerb for collection.

- *Stormwater Drainage – Council's Land Development Engineers requested additional information in relation to on-site detention calculations.*

Comment: Amended stormwater drainage plans were submitted to the satisfaction of Council's Land Development Engineers.

3.2 Design Excellence Panel

The application was considered by the DEP on three separate occasion being 20 August 2015, 4 February 2016 and on 17 March 2016. The Panel were finally supportive of the application following several amendments, which are discussed in detail below.

At the DEP meeting on the 20 August 2015, the Panel made the following comments:

- *Compliance with Council's Controls and SEPP 65 and the Apartment Design Guide is expected*

- *A comprehensive site analysis and investigation of options that demonstrate feasible development configurations and massing to both the subject site and the adjoining properties impacted should be presented. Investigations should demonstrate how the proposed site layout and massing is the optimal configuration for development in terms of contextual fit, solar access, and amenity*

- *Significant trees which are in good condition should be retained on the site. An arborists report should be provided as all trees were indicated to be "removed" on the landscape architects documents.*

- *Buildings exceed the recommended building depth. The Panel considers there is an opportunity to reduce the building footprints and increase height to comply with the 11 storey limit. Alternatively, the applicant could have a lower wing bridging between the two buildings to connect them and improve solar access.*

- *Deep floor plate also results in a number of inboard rooms with no ventilation or natural light. Internal storage rooms (rooms labelled "S" on plans) that have the potential to be turned into bedrooms are not acceptable. Study nooks with cupboards for storage may be a more appropriate solution and could address this issue.*

- *Two lifts are required in the taller building to accommodate redundancy for the number of units.*

- *The design needs to incorporate naturally lit and ventilated corridors.*

- *The applicant noted that only one fire stair is required in the lower building due to a fire engineered solution. This needs to be verified.*

- *In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be referred back to the Panel for comment.*

Extracts of the plans presented to the DEP meeting on the 20 August 2015 are shown below:

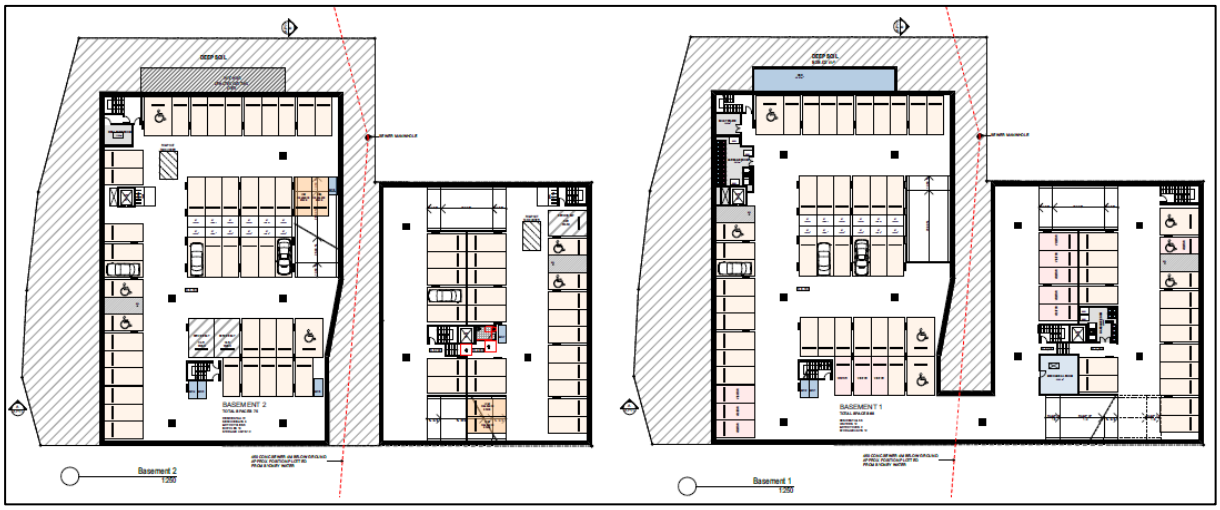

Figure 17 – Extract of the basement plan presented to the DEP meeting on 20 August 2015

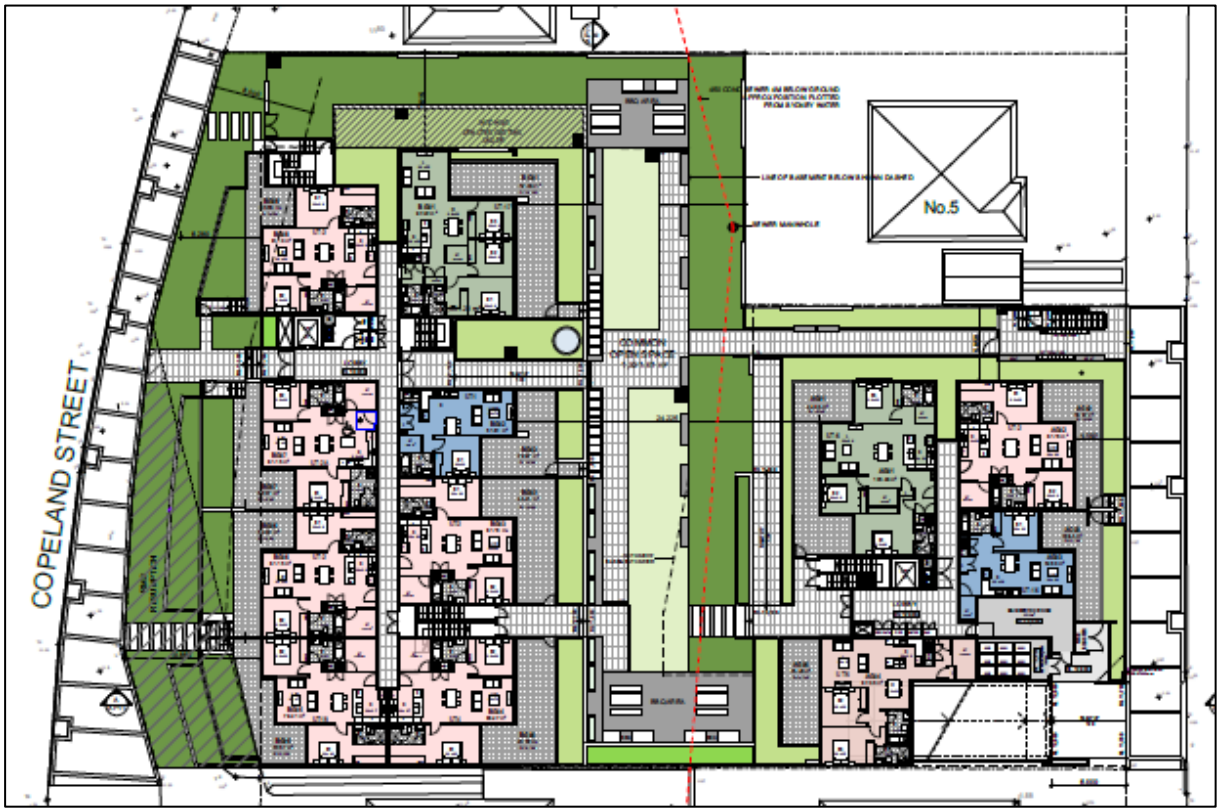

Figure 18 – Extract of the ground floor plan presented to the DEP meeting on 20 August 2015

Amended plans were submitted by the applicant following the DEP meeting. As such the application was referred back to the Panel for review. At the DEP meeting on the 4 February 2016, the Panel made the following comments in relation to the revised application:

- *The application for a development on this site is leaving the site at 6 Copeland Street isolated*
- *The applicant is to demonstrate to Liverpool City Council that a reasonable offer has been made to the owner of 6 Copeland Street to purchase the adjoin site so that the site can be amalgamated.*
- *The site analysis is incorrect and does not reflect the approved DA and site ownership.*
- *The applicant must supply Council with an accurate site analysis plan.*
- *The set back from the northern boundary is to be 6 metres for the first 4 levels and 9 metres for the levels above 4*
- *The building is to comply with the 8 metre set back from Copeland Street.*
- *The building is to be aligned with Copeland Street in accordance with the LDCP 2008 requirements.*
- *The design has not satisfactorily addressed a number of the key issues raised at the previous meetings:*
    - *Compliance with ADG e.g. the northern boundary setback for both buildings.*
    - *The depth of buildings which are still 20 meters deep and not 18 meters.*
    - *The retention of the 'internal' rooms as a result of the building depths*
- *The Panel supports the retention of the two substantial trees on the site but there is:*
    - *No arborist report as was requested*

- *No information as to whether there is an opportunity to retain more than two of the trees on site.*

- *The previous comments also requested a massing options study. This has not been provided.*

- *The panel cannot support the application in its current form*

- *In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be referred back to the Panel for comment.*

Extracts of the plans presented to the DEP meeting on the 4 February 2016 are shown below:

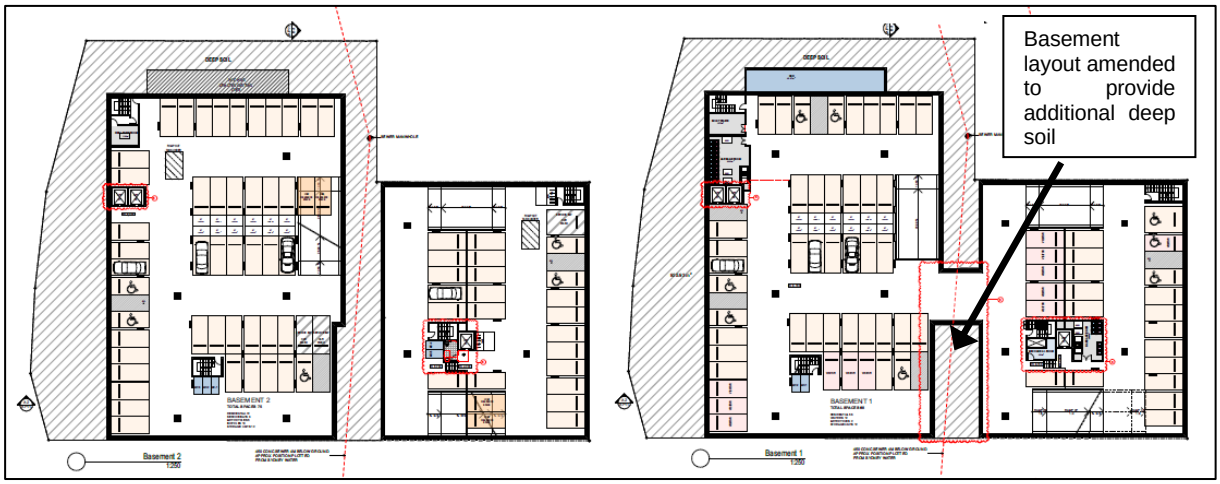

Figure 19 – Extract of the amended basement plan presented to the DEP meeting on 4 February 2016

Following on from the DEP meeting, the application was further amended and the application was referred to the Panel again on the 17 March 2016. Comments from the DEP meeting were as follows:

The proposal:

- *Now complies with the ADG in terms of boundary setbacks.*

- *Has deleted internal study rooms*

- *Is slightly deeper than the 18m deep recommendation in the ADG in some places, however in these areas kitchens are less than 8m from windows and direct sun is gained to living rooms. The average building depth is 18m, overall the proposal meets the objectives for building depth.*

- *Conforms with the LDCP 8m set back from Copeland Street*

- *The Panel recommends that large canopy trees are planted in all the deep soil zones.*

- *The Panel supports the revised proposal providing the recommendations are incorporated.*

- *This application does not need to be reviewed by the Panel again*

Extracts of the plans presented to the DEP meeting on the 17 March 2016 are shown below

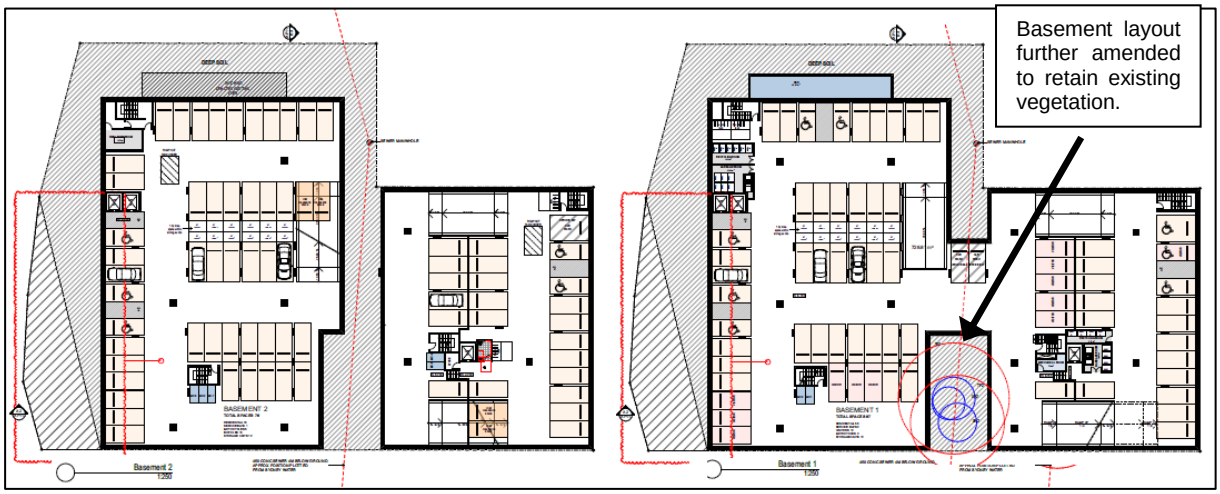

Figure 20– Extract of the amended basement plan presented to the DEP meeting on 17 March 2016.

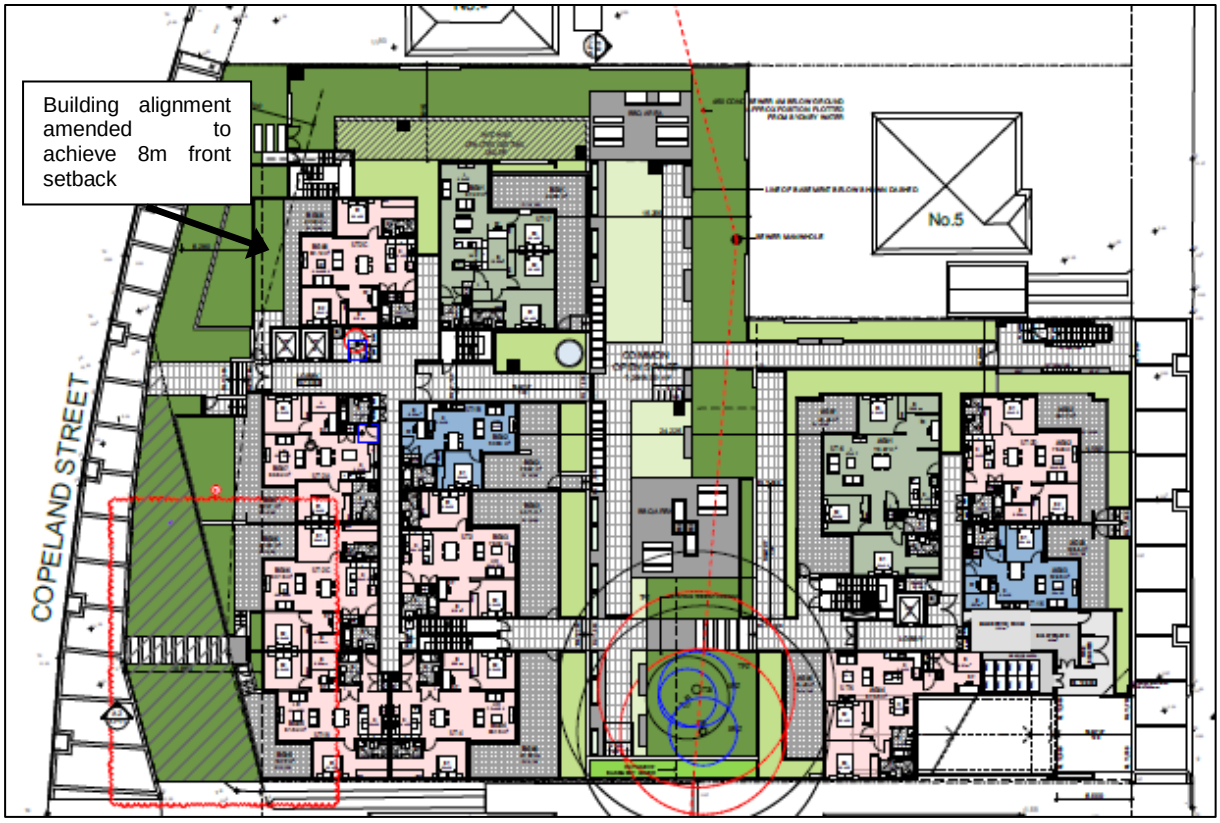

Figure 21– Extract of the amended floor plan presented to the DEP meeting on 17 March 2016.

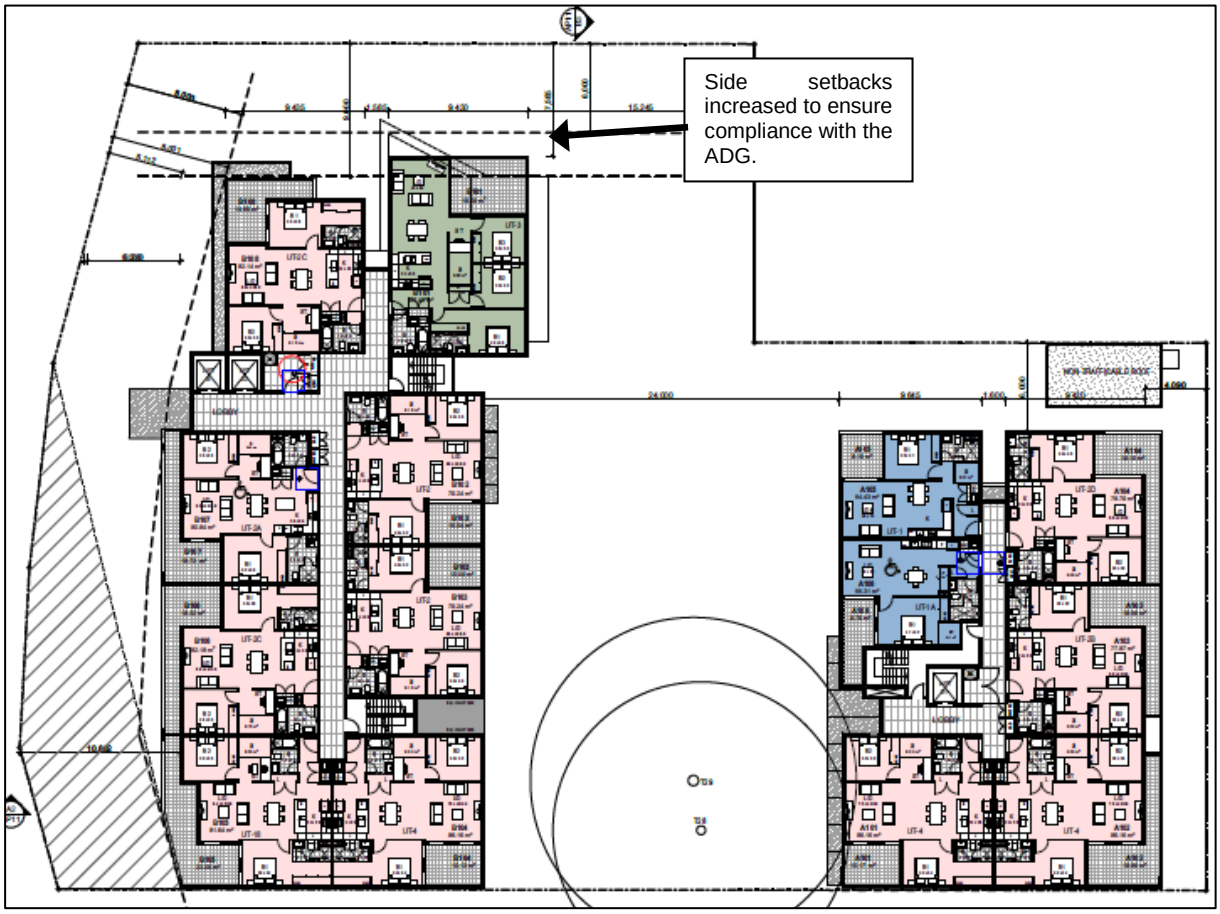

Figure 22– Extract of the amended first floor plan presented to the DEP meeting on 17 March 2016.

3.3 Planning Panel Briefing

A briefing meeting was held on the 11 May 2016. The main outcomes of the briefing meeting with the Panel are summarised below:

- The zero lot setback may potentially limit the redevelopment of the adjoining sites to the south.
- Confirmation to be provided if the FSR is based on the RMS resumption.

The zero lot setback on the southern boundary is considered to be acceptable as discussed further in this report. Additionally, the calculation of the FSR does not include the area associated with the former road reserve.

4. DETAILS OF THE PROPOSAL

The application proposes the demolition of existing buildings, tree removal and the construction of two 9-storey residential flat buildings containing 116 residential apartments over two levels of basement parking with associated landscaping and ancillary site works. Further details are as follows:

Building Design

- Construction of two 9-storey residential flat buildings comprising of:
  - 14 x 1 bedroom units;
  - 91 x 2 bedroom units
  - 11 x 3 bedroom units
- Gross floor area of 10,600m^2

Vehicular and Pedestrian Access

- Vehicular access is provided from Castlereagh Street.
- Pedestrian access is provided from both Copeland Street and Castlereagh Street.

Parking Provisions

- The development provides for a total of 143 car parking spaces (including 13 accessible spaces) comprising of:
    - 128 spaces (including 12 accessible spaces) allocated to the residential units;
    - 12 spaces (including 1 accessible space) allocated to visitors; and
    - 3 spaces designated as a service bay/car wash bay.
- A total of 7 parking spaces designated for motorcycles;
- Bicycle parking to accommodate 54 bicycles.

Site Servicing

- A garbage and recycling storage area has been provided within the basement level to accommodate garbage, recycling and temporary storage of bulky items. A compaction machine is also provided which will compact waste to a 2:1 ratio. Waste management will be managed by a caretaker with garbage and recycling bins wheeled to the Castlereagh Street frontage for collection. A temporary bin holding room is provided on the ground floor.
- Three service/car wash bays are provided within the basement level.

Stormwater Drainage

- Stormwater surface runoff will be conveyed to a $45m^3$ on-site detention tank located within northern side setback. Stormwater will then discharge to the existing stormwater system within Copeland Street, via the construction of a new stormwater inlet pit.
- Drainage from within the basement will be conveyed via a pump out system.

Ancillary Works

- Demolition of existing dwellings and tree removal.
- Construction of footpath paving.

Perspective drawings of the proposed development are provided below in Figures 23-25.

Figure 23 – Perspective drawing of the development viewed from Copeland Street.

Figure 24 – Perspective drawing of the development viewed from Castlereagh Street.

Figure 25 – Northern aspect of the development

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; and
- Liverpool Local Environmental Plan 2008.

Draft Environmental Planning Instruments

- LLEP 2008 Draft Amendment No. 55

Development Control Plans

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

Contributions Plans

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

5.2 Zoning

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

Figure 26 – Extract of the land zoning map.

5.3 Permissibility

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

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

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

(a) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guidelines

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential flat development. SEPP 65 does not contain numerical standards, but requires Council to consider the development against 9 key design quality principles; and against the guidelines of the associated Apartment Design Guidelines (ADG). The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	*The proposal is for a Residential flat development. Located on the fringe of the city centre precinct, the proposed development will bring services and amenity to the local community. The development incorporates active street frontage that will contribute to the community thus generating a point of interest. The development will assist to invigorate the existing area and generate increased pedestrian activity along Castlereagh Street.* *A conceptual approach that dealt with the variety of scales within the site was established to create a cohesive development. The intention was to transition in scale incrementally in stepped forms from the fine grain contextual street edge to the south west to the larger scale mixed use development to the north east.* *Certain architectural elements are repeated throughout to unify the development as a whole, for example the street frontage base, with upturn solid balustrades embrace the development and assist in adding a material unity and a common language to both street frontages.* *The two buildings address each street frontage and stand as distinct built forms and has been articulated to assist in breaking down the appearance of the built mass and relate back to the street character belonging to the development as a whole.*
Design Principle 2 – Built form and scale	
Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	*The bulk of the proposed development is consistent with the controls set out in the LDCP 2008. It is situated within the site, setback off Copeland and Castlereagh Street. This provides opportunity to reduce scale at street edges where appropriate.* *The height of the building is in accordance with that identified in the LLEP 2008. The building height is to be a maximum 9 storeys plus plant room / roof structure.* *Building mass is articulated to achieve discrete built forms to reduce the perceived bulk of the development.* *Scale of the built form reduces along the northern boundary and is consistent with future context and contributes to the character of the area.* *The built form is configured to create a communal open space between the two buildings sheltered from Castlereagh and Copeland Street.*
Design Principle 3 – Density	

Design Quality Principle	Comment
Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	*This application proposes a density FSR 2.94:1 for this site, it is generally in accordance with densities set out in the LLEP 2008.* *The proposed density will benefit the public by enabling the proposed building to better respond to the future character of the town centre. The yield will allow for a high-quality design outcome and demonstrate investment in the precinct. In this location, a well-designed Residential flat development will attract greater investment to the area.* *High densities are also considered to be sustainable within this area as they are supported by the site's proximity to employment, CBD, transport and public open space.*
Design Principle 4 – Sustainability	
Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation	*The development is designed to respond to the requirements of BASIX and the SEPP 65 Apartment Design Guide.* *Apartment layouts are optimally designed for a passive response to solar design principles and cross ventilation as outlined in the Apartment Design Guide.* - *All corner and cross through apartments are naturally ventilated.* - *Outcomes of this development include:* - *Minimum 60% of apartments are cross-ventilated;* - *Minimum 70% of apartments have the required solar access in winter;* - *Collection of roof rainwater for maintenance and irrigation of gardens;* - *Provision of energy-efficient appliances;* - *Architectural details incorporating a range of projections and internal blinds for privacy and solar*
Design Principle 5 – Landscape	
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and long term management.	*Street planting will be provided in accordance with guidelines and specifications of Liverpool City Council and enhanced through additional planting within the site boundary along Copeland Street and Castlereagh Street.* *Residents have been provided with private open space in excess of SEPP 65 requirements. Open space will incorporate barbecue facilities, open style pergola structure and timber seating. The landscaped communal open space also incorporates a mix of active and passive landscape spaces*

Design Quality Principle	Comment
Design Principle 6 – Amenity	
Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	*The development provides the following mix of units:* - *12% one bedroom apartments* - *78% two bedroom apartments* - *10% three bedroom apartments* *20% of units in total are designed to the Universal Design standards, including the 10% requirement for adaptable housing.* *Apartments comply with storage requirements within units. Additional storage cages are located in basement carpark and have the capacity to accommodate large items such as bicycles* *Communal open space will provide passive and active recreational opportunities. Raised garden beds and benches for seating; grassed, paved and planted surfaces; shaded, sunny and feature-lit areas will be provided.* *Balcony sizes generally exceed those required by the Apartment Design Guide to ensure quality private open space for residents.* *Interior corridors have access to daylight and natural ventilation, with views out of the building to improve both amenity and sustainability.*
Design Principle 7 – Safety	
Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.	*The address to the street has been carefully designed to ensure safe access to and egress from the buildings by ensuring direct sight lines to the residential lobbies from the street.* *The thresholds between public, communal and private areas are clearly defined to ensure a sense of ownership between the public and private domains.* *Ground floor apartments will provide lighting to the area at night, passive surveillance of the street and opportunity for night-time activation.* *The development has a clearly defined secure residential breezeway entry linking Castlereagh and Copeland Street, with direct sight lines to the residential lift lobby. This will enhance the activation of the street and provide passive lighting.* *Apartments overlook communal open spaces providing passive surveillance to improve safety; the development is designed to avoid blind corners and hidden spaces.* *Access to each building and individual apartments will be coordinated with a security key system.* *Secure parking for residents is located within the basement with clear and direct lift access to the apartments. The entrance to the parking area is*

Design Quality Principle	Comment
	minimised to maximise street activation and surveillance
Design Principle 8 – Housing Diversity and Social Interaction	
Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	*The proposed development provides housing choice. The communal open spaces and public interface will encourage social interaction amongst residents and the community.* *The ground floor address and the interface of buildings have been carefully designed to enhance street activation and frontage.* *The proposed development will create opportunities for families in the surrounding suburbs to move into the area when their family needs change.* *The provision of one bedroom apartments in the development will provide for a more affordable entry point into the housing market.* *10% of units are designed to be adaptable to the needs of people with disabilities and to facilitate intergenerational changes and changing lifestyles.* *Variety in sizing, aspect and outlook within apartment types will result in some price differentiation.* *Dedicated residential communal open spaces are provided on various levels to support the communal life of the building. These spaces typically have direct access from the lift lobby*.
Design Principle 9 – Aesthetics	
Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	*The intent of the aesthetics are:* - *To further develop and articulate the massing strategy for the site through the application of varying architectural languages* - *To respond to contextual opportunities and constraints including orientation, internal planning configuration, views to and from the site and to maximize residential amenity* - *To de-formalise the usual rigid and repetitive façades in multi-unit residential development through articulation and patterning of feature horizontal and vertical components and elements* - *To use materials and a colour palette that appropriately reflects the desired character of the proposed development and to breakdown the mass of the building yet maintain a limited palette for cohesion over the whole*

Design Quality Principle	Comment
	These design responses ensures an appropriate provision for the future desired character of the area as a residential development.

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the ADG. The following table provides an assessment of the applicant's against the relevant provisions of the ADG.

Provisions	Comment
2E Building depth	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	Complies Building depths are generally 18m.
2F Building separation	
Minimum separation distances for buildings are: Up to four storeys (approximately 12m): • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms	Complies It is noted that no building separation is applicable to the southern boundary, given that the proposed building is built to the boundary. It is generally applicable that half the building separation distance is provided. This is to ensure that when the adjoining sites are developed, they would provide the other half of the separation distance in order to achieve compliance with the ADG. Ground floor, Level 1, Level 2 and Level 3 provide a setback of 6m (i.e half the required building separation distance of 12m).
Five to eight storeys (approximately 25m): • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms	Complies Level 4, Level 5, Level 6 and Level 7 provide a setback of 9m (i.e half the required building separation distance of 18m).
Nine storeys and above (over 25m): • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms	Complies Level 8 provides a setback of 12m (i.e half the required building separation distance of 24m).
3A Site analysis	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	Complies A detailed site analysis plan has been provided.
3B Orientation	
Building types and layouts respond to the streetscape and site while optimising solar access within the development Overshadowing of neighbouring properties is minimised during mid winter	Complies The building type is appropriate for the streetscape. Overshadowing of neighbouring properties is minimized.

<table>
<tr><th>Provisions</th><th>Comment</th></tr>
<tr><td colspan="2">3D Communal and public open space</td></tr>
<tr><td>Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)

Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)

Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting

Communal open space is designed to maximise safety

Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</td><td>Complies
Approximately 1300m^2 of communal open space is provided which equates to 36% of the site area.

The communal open space will achieve sufficient solar access at 9am and 12pm mid-winter.

The communal open space allows for a range of activities with BBQ facilities, shade structures and open space provided.</td></tr>
<tr><td colspan="2">3E Deep soil zones</td></tr>
<tr><td>Deep soil zones are to meet the following minimum requirements:

<table><tr><th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr><tr><td>Less than 650m^2</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m^2 to 1500m^2</td><td>3m</td></tr><tr><td>Greater than 1500m^2</td><td>6m</td></tr><tr><td>Greater than 1500m^2 with significant tree cover</td><td>6m</td></tr></table></td><td>Complies
The development requires 252m^2 of deep soil zones. The development provides 559m^2 of deep soil zones which equates to 15%.

Some of the deep soil zones have been designed to retain existing vegetation.</td></tr>
<tr><td colspan="2">3F Visual Privacy</td></tr>
<tr><td>Minimum separation distances from buildings to the side and rear boundaries are as follows:

<table><tr><th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non Habitable Rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>12m to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table></td><td>Complies

Ground floor, Level 1, Level 2 and Level 3 provide a setback of 6m.

Level 4, Level 5, Level 6 and Level 7 provide a setback of 9m.

Level 8 provides a setback of 12m</td></tr>
<tr><td colspan="2">3G Pedestrian Access and Entries</td></tr>
<tr><td>Building entries and pedestrian access connects to and addresses the public domain</td><td rowspan="3">Complies
Pedestrian access and entries complies with the objectives of the ADG.</td></tr>
<tr><td>Access, entries and pathways are accessible and easy to identify</td></tr>
<tr><td>Large sites provide pedestrian links for access to streets and connection to destinations</td></tr>
<tr><td colspan="2">3H Vehicle Access</td></tr>
<tr><td>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</td><td>Complies
Vehicle access points are located to achieve safety and minimize conflict.</td></tr>
<tr><td colspan="2">3J Bicycle and Car Parking</td></tr>
<tr><td>For development in the following locations:

- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or
- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed</td><td>Complies
Bicycle and car parking is provided in accordance with the requirements of the LDCP 2008.</td></tr>
</table>

<table>
<tr><th>Provisions</th><th>Comment</th></tr>
<tr><td>Use or equivalent in a nominated regional centre

the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street</td><td rowspan="6"></td></tr>
<tr><td>Parking and facilities are provided for other modes of transport</td></tr>
<tr><td>Car park design and access is safe and secure</td></tr>
<tr><td>Visual and environmental impacts of underground car parking are minimised</td></tr>
<tr><td>Visual and environmental impacts of on-grade car parking are minimised</td></tr>
<tr><td>Visual and environmental impacts of above ground enclosed car parking are minimised</td></tr>
<tr><td colspan="2">4A Solar and Daylight Access</td></tr>
<tr><td>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</td><td rowspan="3">Complies
94% of the units will receive a minimum of 2 hours of solar access during mid-winter.</td></tr>
<tr><td>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter</td></tr>
<tr><td>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</td></tr>
<tr><td colspan="2">4B Natural Ventilation</td></tr>
<tr><td>All habitable rooms are naturally ventilated</td><td rowspan="4">Complies
67% of all units are naturally cross ventilated.</td></tr>
<tr><td>The layout and design of single aspect apartments maximises natural ventilation</td></tr>
<tr><td>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</td></tr>
<tr><td>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</td></tr>
<tr><td colspan="2">4C Ceiling Heights</td></tr>
<tr><td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

<table>
<tr><td colspan="2">Minimum ceiling height</td></tr>
<tr><td>Habitable rooms</td><td>2.7m</td></tr>
<tr><td>Non-habitable</td><td>2.4m</td></tr>
<tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr>
<tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr>
<tr><td>If located in mixed use areas</td><td>3.3m from ground and first floor to promote future flexibility of use</td></tr>
</table>
</td><td rowspan="3">Complies
Floor to floor heights of 3m have been provided, to ensure that 2.7 floor to ceiling heights can be accommodated.</td></tr>
<tr><td>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms</td></tr>
<tr><td>Ceiling heights contribute to the flexibility of building use over the life of the building</td></tr>
</table>

<table>
<tr><th>Provisions</th><th>Comment</th></tr>
<tr><td colspan="2">4D Apartment Size and Layout</td></tr>
<tr><td>Apartments are required to have the following minimum internal areas:

<table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m^2</td></tr><tr><td>1 bedroom</td><td>50m^2</td></tr><tr><td>2 bedroom</td><td>70m^2</td></tr><tr><td>3 bedroom</td><td>90m^2</td></tr></table>
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each</td><td>Complies
Minimum apartment sizes are as follows:
- 1 bedroom: 52m^2
- 2 bedroom (2 bathrooms): 75m^2
- 3 bedrooms (2 bathrooms): 97m^2</td></tr>
<tr><td>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</td><td>Complies
Habitable rooms are provided with windows of sufficient glass areas.</td></tr>
<tr><td>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</td><td>Complies
Habitable rooms are generally limited to 2.5 x the ceiling height.</td></tr>
<tr><td>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</td><td>Complies
Kitchens are generally 8m from a window.</td></tr>
<tr><td>Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space)</td><td>Complies
Bedrooms are of sufficient size.</td></tr>
<tr><td>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td><td>Complies
Bedrooms have a minimum dimension of 3m.</td></tr>
<tr><td>Living rooms or combined living/dining rooms have a minimum width of:
- 3.6m for studio and 1 bedroom apartments
- 4m for 2 and 3 bedroom apartments</td><td>Complies
Sufficient widths are provided to living rooms/dining rooms.</td></tr>
<tr><td colspan="2">4E Private Open Space and Balconies</td></tr>
<tr><td>All apartments are required to have primary balconies as follows:

<table><tr><td>Dwelling Type</td><td>Minimum Area</td><td>Minimum Depth</td></tr><tr><td>Studio</td><td>4m^2</td><td>-</td></tr><tr><td>1 bedroom</td><td>8m^2</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m^2</td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m^2</td><td>2.4</td></tr></table>
The minimum balcony depth to be counted as contributing to the balcony area is 1m</td><td>Complies
The development provides for sufficient balcony size and depths.</td></tr>
<tr><td>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m^2 and a minimum depth of 3m</td><td>Complies
More than 15m^2 of private open space is provided to ground floor units.</td></tr>
<tr><td colspan="2">4F Common Circulation and Spaces</td></tr>
<tr><td>The maximum number of apartments off a circulation core on a single level is eight</td><td>Complies
The maximum number of units off a circulation core is 8.</td></tr>
<tr><td>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</td><td>Not applicable</td></tr>
<tr><td colspan="2">4G Storage</td></tr>
<tr><td>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

<table><tr><td>Dwelling Type</td><td>Storage Size Volume</td></tr><tr><td>Studio</td><td>4m^3</td></tr><tr><td>1 bedroom</td><td>6m^3</td></tr></table></td><td>Complies
Sufficient storage space is provided within each unit and within the basement.</td></tr>
</table>

Provisions	Comment
2 bedroom: 8m³ 3 bedroom: 10m³ At least 50% of the required storage is to be located within the apartment.	
4H Acoustic Privacy	
Noise transfer is minimised through the siting of buildings and building layout	Complies The development is in accordance with the objectives.
Noise impacts are mitigated within apartments through layout and acoustic treatments	
4K Apartment Mix	
A range of apartment types and sizes is provided to cater for different household types now and into the future	Complies A range of apartment types are provided and located throughout the building
The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
Street frontage activity is maximised where ground floor apartments are located	Complies The development is in accordance with these objectives.
Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
Building facades provide visual interest along the street while respecting the character of the local area	Complies The overall design including building façade has been endorsed by the Design Excellence Panel.
Building functions are expressed by the facade	
4N Roof Design	
Roof treatments are integrated into the building design and positively respond to the street	Complies The development is in accordance with these objectives.
Opportunities to use roof space for residential accommodation and open space are maximised	
Roof design incorporates sustainability features	
4O Landscape Design	
Landscape design is viable and sustainable	Complies The development is in accordance with these objectives.
Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
Appropriate soil profiles are provided	Complies The development is in accordance with these objectives.
Plant growth is optimised with appropriate selection and maintenance	
Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
Universal design features are included in apartment design to promote flexible housing for all community members	Complies The development is in accordance with these objectives.
A variety of apartments with adaptable designs are provided	
Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not Applicable The DA is for the development of a new building and not the adaptive reuse of an existing building.
Adapted buildings provide residential amenity while not precluding future adaptive reuse	

Provisions	Comment
4S Mixed Use	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not Applicable The DA does not proposed a mixed use development.
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
Awnings are well located and complement and integrate with the building design	Complies Awnings are provided to entries for wet weather protection.
Signage responds to the context and desired streetscape character	Complies Building address signage is integrated into the building design.
4U Energy Efficiency	
Development incorporates passive environmental design	Complies The development is in accordance with these objectives.
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
Potable water use is minimised	Complies Potable water use is minimized and water efficient devices will be provided in accordance with the requirements of the BASIX certificate.
Urban stormwater is treated on site before being discharged to receiving waters	Complies This aspect has been reviewed by Council's Land Development Engineers who have raised no issues subject to conditions.
Flood management systems are integrated into site design	Complies The development incorporates flood mitigation measures.
4W Waste Management	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Complies Waste storage facilities are provided and will be maintained by the caretaker.
Domestic waste is minimized by providing safe and convenient source separation and recycling	
4X Building Maintenance	
Building design detail provides protection from weathering	Complies The development is in accordance with these objectives
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

(b) State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 provides direction for matters to be considered in the assessment of development adjacent to particular types of infrastructure development.

As the proposed development is for a residential use that is within close proximity to a classified road being Copeland Street, the consent authority must be satisfied for where the development is for the purpose of residential development the certain noise criteria is achieved for the development. Specifically Clause 102(3) of SEPP(Infrastructure) 2007 prescribes:

"(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
(a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time."

The application was accompanied by an Acoustic Report, which concluded that the proposed development is capable of complying with the noise criteria, subject to noise mitigation measures such as noise insulated glazing.

Conditions are imposed prescribing compliance with the Acoustic Report and the noise criteria within Clause 102 of the SEPP (Infrastructure) 2007, to ensure that the proposed development incorporates noise attenuation to minimise any adverse impact from road noise. This will ensure that an appropriate level of residential amenity is achieved in accordance with the requirements of the SEPP (Infrastructure) 2007.

(c) State Environmental Planning Policy No. 55 – Remediation of Land

The objectives of SEPP 55 are:
- *to provide for a state wide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to the above SEPP, Council must consider:
- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Clause 7 of SEPP 55 states:

(1) *A consent authority must not consent to the carrying out of any development on land unless:*
- *(a) it has considered whether the land is contaminated, and*
- *(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- *(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose*.

For the purposes of this Clause, the "land concerned" is:

- *(a) land that is within an investigation area,*
- *(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- *(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
  - *(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
  - *(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The subject site is not land within an investigation area. In addition, a search of Council's property records reveals no known activities likely to cause contamination have been undertaken on the site.

The site has been used continuously for residential purposes and as such the site is unlikely to contain any contaminated land as it has only been used for residential purposes and not a land use identified in Table 1 of the Contaminated Land Planning Guidelines. It is therefore considered that no further investigation is required and that the site is suitable for ongoing use as residential.

In addition, a condition of consent has been imposed requiring the development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998). Additionally, all fill introduced to the site must undergo a contaminated site assessment.

Given the above, SEPP 55 considerations have been addressed and the land is considered suitable for its continued use for residential purposes.

(d) State Environmental Planning Policy (BASIX) 2004

The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the Plan. It is recommended that appropriate conditions are imposed to ensure compliance with the BASIX commitments.

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

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

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

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

(e) the *Georges River Catchment Regional Planning Strategy* (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for residential development and is considered appropriate for the site.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The site is not affected by acid sulphate soils.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site contains flood affected land. This aspect has been reviewed by Council's Floodplain Engineers who have raised no issues subject to conditions.
(4) Industrial discharges	Not applicable. The site has been used for residential purposes.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy. The site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	A drainage plan proposes stormwater connection to existing services.
(13) Wetlands	Not applicable.

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

(f) Liverpool Local Environmental Plan 2008

(i) Permissibility

The proposed development is for a *residential flat building* which is defined as follows:

a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The proposed development satisfies the definition of a *residential flat building* as it is a building which contains more than 3 dwellings.

(ii) Objectives of the zone

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

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land that would prevent the achievement of high density residential development.*

The proposed development would meet and satisfy the above stated objectives. Specifically, the buildings will provide a total of 116 dwellings (a mix of, 1, 2, 3 bedroom units and a number of adaptable units).

The site is located in an area identified for urban renewal and transformation, in close proximity to Liverpool Railway Station, retail and commercial facilities.

(iii) Principal Development Standards

The LLEP 2008 contains a number of principal development standards which are relevant to the proposal. Assessment of the application against the relative standards is provided below.

Clause	Provision	Comment
Clause 2.7 Demolition Requires Development Consent	The demolition of a building or work may be carried out only with development consent.	**Complies** Consent is sought for the demolition of existing buildings.
Clause 4.3 Height of Buildings	Maximum height of 35m	**Complies** A maximum height of 29.6m is proposed.
Clause 4.4 Floor Space Ratio	Maximum FSR of 3:1 which equates to a GFA of 10,806m^2.	**Complies** A FSR of 2.94:1 is proposed, which equates to a GFA of 10,589m^2.
Clause 7.4 Building Separation in Liverpool City Centre	Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least: - 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) - 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished)	**Complies** A building separation distance is not applicable to adjoining development as adjoining development is single storey in height. Therefore, where the proposed building exceeds 12m in height there is no other adjoining building; therefore the application of this Clause is technically not applicable. However, it is generally applicable that half the building separation distance is provided. This is to ensure that future development on adjoining lots would provide the other half of the building separation distance, to ensure compliance with Clause 7.4. Therefore a setback distance of 4.5m is required between 12m-25m which relates to Level 4, Level 5, Level 6 and Level 7 and a setback of 6m for Level 8. A building separation distance ranging from 4.6m to 5.5m is provided to Levels 4 to 7, while level 8 is provided with a setback of 12m. A nil setback is provided to the southern boundary, which will allow the future development on the adjoining site to butt against the subject development. As such, half the building separation distance in this instance is not applicable.

		Between the two residential buildings of the proposed development a separation distance of 24m is provided.
Clause 7.14 Minimum Building Street Frontage	Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres: - any residential flat building.	**Complies** A building street frontage of 36m is provided to Castlereagh Street and a street frontage of 58m is provided to Copeland Street.
Clause 7.8 Flood Planning	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land, and (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and (f) is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual.	The application was accompanied by a Flood Report. The report has been reviewed by Council's Flooding Section, who have raised no issues to this aspect. The following are comments in relation to Clause 7.8: (a) The proposed development is compatible with the flood hazard of the land. (b) The proposed development does not involve any loss of flood storage volume below the 1% Annual Exceedance Probability (AEP) flood and hence the development will not adversely affect the flood behaviour in the vicinity and will not adversely impact other adjacent developments or properties. (c) The floor levels of the proposed buildings will be no lower than the 1% AEP flood plus half a metre freeboard and hence the building floors are not subject to flooding up to the 1% AEP flood event. The structures will be constructed with flood compatible building components below the 1% AEP flood plus half a metre freeboard. Therefore, the proposed development has incorporated appropriate measures to manage risk to life from flood. (d) The site is located outside the 1% AEP flood extent and therefore, the development will not cause change to flow depth, flow distribution and velocities. Hence the development will not induce erosion, siltation or instability of watercourse and will not cause destruction of riparian vegetation. (e) As per Council's conditions of consents, the proposed development will be designed to minimize potential flood related damages in terms of building strength and stability, building floor levels and material selection. Thus the proposed development offers a sustainable approach to the social and economic costs of the local and general community. (f) The site is located within Brickmakers Creek catchment and Brickmakers Creek is a sub-catchment of Cabramatta Creek catchment. The proposed development is consistent with

		Liverpool Council's Cabramatta Creek floodplain risk management plan, which was prepared in accordance with the Floodplain Development Manual.

(iv) Other Relevant LLEP 2008 Clauses

In addition to the above development standards, the application has also been considered in regards to other relevant standards of the LLEP 2008. The key clauses applicable to the application are discussed in further detail below. The proposal demonstrates full compliance with the LLEP 2008 standards and is satisfactory.

- **Clause 5.10 Heritage Conservation**

The development site is not identified as a heritage item pursuant to Schedule 5 of the LLEP 2008 or as having archaeological potential. However, it is located within the vicinity of a heritage item being item Number 89 known as the Plan of Town of Liverpool (Hoddle Grid 1827).

Figure 27– Extract of the Heritage Map

Council's Heritage Officer has reviewed this aspect of the proposal and has raised no issues as the proposed development will not have an adverse impact on the Liverpool Town Plan, as no change is proposed to the road alignment and the development is contained wholly within the site boundaries.

Given the above, it is considered that the proposed development is in accordance with the objectives of Clause 5.10 pertaining to Heritage Conservation.

- **Clause 7.1 Objectives for Development in Liverpool City Centre**

Clause 7.1 of the LLEP 2008, stipulates the objectives that must be satisfied by any redevelopment in the city centre. The proposed development is generally consistent with the relevant objectives as follows:

(a) to preserve the existing street layout and reinforce the street character through consistent building alignments,

Comment: The development provides two residential flat buildings which align with the street.

(b) to allow sunlight to reach buildings and areas of high pedestrian activity,

Comment: The proposed development will allow sunlight to reach buildings and the pedestrian areas.

(c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,

Comment: The development will remove the current vehicular access from the Hume Highway (Copeland Street), which will help to minimise traffic conflicts.

(d) to improve the quality of public spaces in the city centre,

Comment: The development provides a high quality presentation to the public domain.

(e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,

Comment: Not relevant.

(f) to enhance the natural river foreshore and places of heritage significance,

Comment: Not relevant.

(g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.

Comment: Not relevant.

- **Clause 7.5 Design Excellence in Liverpool City Centre**

Clause 7.5 of the LLEP 2008 prescribes that development consent must not be granted to development within the Liverpool City Centre, unless the consent authority considers that the development exhibits design excellence. The objective of this clause is to deliver the highest standard of architectural and urban design within the city centre. The Clause sets out the matters that must be considered by Council.

The matters set out in the Clause have been carefully considered in consultation with the expert independent DEP. Consequently, the application has been through amendments to improve the design quality in line with provisions of the LLEP 2008 and the comments provided by the DEP.

In conclusion, the overall development satisfies the LLEP 2008 design excellence provisions and demonstrates satisfactory design quality, which has been confirmed by the DEP.

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

The following draft Environmental Planning Instrument applies to the development:

LLEP 2008 Draft Amendment No 53.

This planning proposal applies to part of Copeland Street, Liverpool, adjacent to 10, 12, 14 and 16 Copeland Street and 93-95 Campbell Street (as highlighted in green below).

Figure 28 – Land subject to a planning proposal

The planning proposal seeks to rezone the land from SP2 – Classified Road to R4 – High Density Residential. A number of ancillary mapping amendments are also proposed. These changes will align the controls on the subject land with those applying to the adjacent residential lots to allow development consistent with that on the adjacent lots. These changes include the provision of FSR, minimum lot size and height of building.

Gateway Determination was given to the planning proposal on the 5 February 2016. However, during the exhibition period, the RMS objected to the planning proposal for the following reasons:

- *The RMS is currently working with Transport for New South Wales and the Greater Sydney Commission to prepare a coordinated access strategy for Liverpool. The access strategy aims to identify the access requirements for Liverpool and plan for its prominence as a strategic centre, with an objective of planning for future freight and general traffic demand on the surrounding road network.*
- *Copeland Street (Hume Highway) provides key link in the classified road network in Sydney's South West, and is therefore of critical importance for the ongoing efficient movement of freight and general traffic. Whether the subject land will be required for future road projects, or the extent to which this land may be impacted, is currently unknown.*

Given the above the RMS is unable to give further consideration to the planning proposal until such time as the coordinated planning access strategy has been finalised, which is likely to occur by the end of 2017. Therefore, the planning proposal has been put on hold until this has been completed.

However, the planning proposal does not impact upon the proposed development, as the development is only reliant on the SP2 zoned land in order to achieve the required 8m front setback from Copeland Street. As such, the zoning, height, FSR and minimum lot size are irrelevant in this instance. Additionally, the land immediately fronting the development site as highlighted in Figure 16, has been subject to the gazettal of a road closure application and is therefore no longer a road reserve and is now in the ownership of Council.

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

The application has been assessed against the controls of the LDCP 2008, particularly Part 1 *General Controls for all Development*; and Part 4 *Development in Liverpool City Centre*.

The tables below provides an assessment of the proposal against the relevant controls of the LDCP 2008.

LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment
Section 2. Tree Preservation	Controls relating to the preservation of trees	Complies The application proposes the retention of three trees within the proposed deep soil zones, with all other trees removed. The application was accompanied by an Arborist Report, which provided recommendations to ensure the trees are protected during construction. This aspect has also been reviewed by Council's Landscape Officer, who has raised no issues.
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies The landscape plan has been reviewed by Council's Landscape Officer, who has raised no issues with the design.
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.

Development Control	Provision	Comment
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable The development site is not identified as being bushfire prone land.
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions.
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Not Applicable The development site is not within close proximity to a water course.
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Complies The development site is affected by flooding. This aspect has been reviewed by Council's Floodplain Engineers, who have raised no issues subject to conditions.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies As discussed within this report, the site is considered suitable for the development.
Section 11. Salinity Risk	Provisions relating to development on saline land.	Not Applicable The development site is identified as containing a low salinity potential. Therefore, a salinity management response plan is not required.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The development site is not identified as containing the potential for acid sulphate soils to occur.
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Complies Conditions of consent will be imposed to ensure demolition works are carried out in accordance with relevant Australian Standards.
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable OSMS is not proposed.
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Not Applicable The site is not identified as having archaeological potential in accordance with the Liverpool Archaeological Zoning and Management Plan 1996, prepared by Casey and Lowe.
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Complies This aspect has been discussed in detail within Section 6.1(a)(iv) of this report.
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was not required to be notified.

Development Control	Provision	Comment
Section 19. Used Clothing Bins	Provisions relating to used clothing bins.	Not Applicable The DA does not propose used clothing bins.
Section 20. Car Parking and Access	Residential Development Car Parking Requirements: - 1 space per two studio apartments - 1 space per one bedroom or two bedroom apartments - 1.5 spaces per three of more bedroom units - 1 space per 10 units or part thereof, for visitors - 1 space per 40 units for service vehicle (including removalist vans (and car washing bays, up to a maximum of 4 spaces per building).	Complies The following parking is required: - 14 x 1 bedroom units requires 14 spaces - 91 x 2 bedroom units requires 91 spaces - 11 x 3 bedroom units requires 16.5 A total of 121.5 spaces required for the residential units - 116 residential units requires 11.6 visitor spaces - 3 carwash/service bays are required. The following parking is provided: - 128 spaces for residential units - 12 spaces for visitors - 3 carwash/service bays
	Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces	Complies A total of 140 parking spaces (excluding the car carwash/service bays) are provided which equates to 7 motorcycle spaces. A total of 7 motorcycle spaces have been provided.
	Provide 2% of the total demand generated by a development, for parking spaces accessible, designed and appropriately signposted for use by persons with disabilities.	Complies A total 3 spaces of the 140 parking spaces shall be accessible spaces. A total of 13 accessible spaces have been provided.
	1 bicycle space per 200m^2 of gross floor area. 15% of this requirement is to be accessible to visitors	Complies A total GFA of 10,600m^2 is provided, therefore 53 bicycle spaces (including 8 accessible to visitors) shall be provided. A total of 54 bicycle spaces are provided including 10 which are accessible to visitors.
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	Not Applicable The DA does not propose the subdivision of land.
Section 22. and Section 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Complies Conditions of consent will be imposed to ensure compliance with the BASIX commitments.
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Complies During Construction: A waste management plan has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction. On-going Waste Management:

Development Control	Provision	Comment
		Residents will dispose their garbage in the waste chute located in a designated room on each level of each building. Recyclables will need to be bought down to the basement and placed in the recycling bins. Sufficient bins have been provided in accordance with Council's waste management plan. Each room will contain separate bins for recyclables. The building manager will be responsible for the emptying of the recycling bins to the main garbage room within the basement. The main garage rooms are of sufficient size to accommodate a compactor, bins and bulky storage in accordance with Council's Waste Management Policy. Bins will be wheeled to the front for collection.
Section 26 Outdoor Advertising and Signage	Provisions relating to signage.	Not Applicable The DA does not propose any signage.
Section 27. Social Impact Assessment	A comprehensive social impact assessment shall be submitted for residential flat buildings greater than 100 units.	It is noted that Part 1 of LDCP 2008 was amended on 26 August 2015 to include Chapter No.27 *Social Impact Assessment* which requires the submission of a Social Impact Comment for any high density development proposing over 100 units. As this application was lodged prior to this amendment (on the 9 July 2015), it is considered unreasonable to require a Social Impact Comment to be submitted at this late stage of the assessment process. Notwithstanding the above, it is considered that the proposed development is generally consistent with the objectives of Chapter 27 of Part 1 LDCP 2008, in that the development will result in positive social impacts by encouraging communities where people want to live and enjoy due to the good amenity provided by the development.

LDCP 2008 Part 4: Liverpool City Centre

Development Control	Provision	Comment
Section 2 Controls for Building Form		
Building Form	Street building alignment and street setbacks applicable to the site is a 4-4.5m landscaped setback to Castlereagh Street and a landscaped setback of 8m to Copeland Street.	Complies Castlereagh Street Setback A 4m setback is provided to the building which includes landscaping. Copeland Street Setback An 8m setback is provided to the building. This includes the land associated with the former road reserve, thus this land is required to form part of the site. Owners consent from Council has been granted to include this land as part of the DA.

Development Control	Provision	Comment
	The external facades of buildings are to be aligned with the streets that they front.	Complies The external facades align with the streets.
	Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible.	Complies Projections into the building setbacks are provided for the awnings.
Street Frontage Height	A street frontage height (SFH) of 15m-25m is required for Castlereagh Street and Copeland Street	Complies A SFH of 25m is provided.
Building Depth and Bulk	Maximum floor plate size of 500m^2 (GFA) and building depth of 18m (excluding balconies) is required above street frontage height (i.e Level 8)	Complies The floor plate size associated with Level 8 of Block A is approximately 383m^2 with a building depth of 15m. Non-compliance The floor plate size associated with Level 8 of Block B is approximately 644m^2 with a building depth of 15m. The variation is considered to be acceptable given that compliance with the ADG is achieved.
Side Setback	Residential uses up to 12m (i.e Ground floor, Level 1, Level 2 and Level 3) require a minimum side setback of: - 3m to non-habitable rooms. - 6m to habitable rooms.	Complies Northern Boundary Side Setback A side setback of 6m is provided. Non-compliance Southern Boundary Side Setback A nil setback is provided to all levels.
	Residential uses between 12-25m (i.e. Level 4, Level 5, Level 6 and Level 7) require: 4.5m to non-habitable rooms. - 9m to habitable rooms	Complies Northern Boundary Side Setback A side setback of 9m is provided. Non-compliance Southern Boundary Side Setback A nil setback is provided to all levels.
	Residential uses between 25-45m (i.e. Level 8) require: - 6m to non-habitable rooms. - 12m to habitable rooms	Northern Boundary Side Setback A 12m side setback is provided. Non-compliance Southern Boundary Side Setback A nil setback is provided to Level 8. Despite the non-compliance with the nil setback, the variation is considered acceptable for reasons discussed below.
Site Cover and Deep Soil Zones	Maximum site cover of 50%	Non-compliance Approximately 2438m^2 of ground cover is proposed which equates to 67%. The variation is considered acceptable for the reasons discussed below.
	The deep soil zone shall comprise no less than 15% of the total site area. It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6m.	Non Compliance The development provides for approximately 15% deep soil zones. However, it is noted that some of the deep soil zone is less than 6m. The variation is considered acceptable given that the areas provided can still support mature plants.
	Deep soil zones are to accommodate existing mature trees as well as allowing for the	Complies

Development Control	Provision	Comment
	planting of trees/shrubs that will grow to be mature plants.	The deep soil zones will include trees that will reach a mature height of 8m. Existing trees are also being retained within the deep soil areas.
Landscape Design	Landscaped areas are to be irrigated with recycled water.	Complies Can be conditioned.
	Landscape species are to be selected in accordance with Council's schedule of Preferred Landscape Species.	Complies Suitable landscape species have been chosen. The landscape plan has been reviewed by Council's Landscape Office who has raised no issues.
	Remnant vegetation must be maintained throughout the site wherever practicable.	Complies Existing vegetation where practicable has been retained.
	A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline how landscaped areas are to be maintained for the life of the development.	Complies Conditions can be imposed to ensure the long term maintenance of the landscaped areas.
	Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice).	Not Applicable Public spaces are not proposed.
Planting on Structures	Areas with planting on structures are to be irrigated with recycled water.	Complies The landscape plan has been reviewed by Council's Landscape Officer, who has raised no issues in regards to this aspect, subject to conditions.
	Design for optimum conditions for plant growth by: - providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, - providing appropriate soil conditions and irrigation methods, and - providing appropriate drainage. - Design planters to support the appropriate soil depth and plant selection by ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and providing square or rectangular planting areas rather than narrow linear areas.	
	Increase minimum soil depths in accordance with: - the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, - the level of landscape management, particularly	

Development Control	Provision	Comment
	the frequency of irrigation, - anchorage requirements of large and medium trees, and soil type and quality.	
	Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended: - Large trees (over 8m high) minimum soil depth 1.3m, minimum soil volume 150m^3 - Medium trees (2 – 8m high), minimum soil depth 1m, minimum soil volume 35m^3 - Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m^3 - Shrubs and ground cover, minimum soil depth 0.5m, no minimum soil volume.	
Amenity		
Front Fences	Controls relating to front fences	Not Applicable Front fences are not proposed.
Safety and Security	Address 'Safer-by-Design' principles to the design of public and private domain, and in all developments (including the NSW Police 'Safer by Design' crime prevention though environmental design (CPTED) principles).	Complies The proposed development is considered to be satisfactory in relation to the safer by design principles.
	Ensure that the building design allows for passive surveillance of public and communal spaces, access ways, entries and driveways.	Complies The design of the development allows for passive surveillance of access ways and driveways.
	Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks.	Complies The development does not create any blind corners or dark alcoves.
	Maximise the number of residential 'front door' entries at ground level.	Complies Front entrances are provided to both street frontages.
	Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.	Complies The front entrance is orientated to the street and are easily identifiable.
Awnings	Wet weather protection to be provided to all entrances	Complies Wet weather protection is provided to the entrances.
Vehicle Footpath Crossings	No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified within the LDCP2008.	Complies Only one vehicle entry point is proposed from Castlereagh Street.
	In all other areas, one vehicle access point only (including the access for service vehicles and	Complies

Development Control	Provision	Comment
	parking for non-residential uses within mixed use developments) will be generally permitted.	The proposed development will involve one vehicle entry point, for all vehicles and service vehicles.
	Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with high pedestrian priority routes identified in Figure 18 (marked yellow).	N/A The site does not adjoin a laneway or a minor street.
	Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.	N/A The adjoining sites are already developed.
	Vehicle access ramps parallel to the street frontage will not be permitted.	N/A The development does not provide for a parallel access ramp.
	Ensure vehicle entry points are integrated into building design.	Complies The driveway entry is integrated into the building design.
	Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	Complies The vehicle entry will use the same materials as per the rest of the building.
Building Exteriors	Balconies and terraces should be provided, particularly where buildings overlook public spaces. Gardens on the top of setback areas of buildings are encouraged.	Complies The development provides for balconies and terraces to all floors.
	Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.	Complies The building facades are articulated through the provision of a wide variety of design elements such as windows with varying proportions, balconies, glazed and masonry balustrades and sun screens.
	Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage.	Complies The building frontage does not contain any blank walls.
	Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.	Complies Highly reflective materials will not be used.
	A materials sample board and schedule is required to be submitted with applications for development over $1million or for that part of any development built to the street edge.	Complies A colour schedule as well as 3D modelling has been provided which gives a clear indication of the colour and types of materials that will be used.
	Roof top structures, such as air conditioning, lift motor rooms, and the like are to be incorporated into the architectural design of the building.	Complies Roof top structures are incorporated within the internal design of the development and will not be visible from public view.

Development Control	Provision	Comment
Traffic And Access		
Pedestrian Access and Mobility	Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Complies The main entry point is orientated to the street and will be visible. The main entry will consist of a short accessible path leading to a single door and straight into the lobby area.
	The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standards.	Complies The design of the car parking facilities is in accordance with Australian Standards. The application has been reviewed by Councils Traffic and Transport Section who have responded in support, subject to conditions.
	The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	Complies Barrier free access is provided to the ground floor.
	The development must provide accessible internal access, linking to public streets and building entry points.	Complies Sufficient accessible internal access is provided to the street and building entry points. The accessible unit is located on the ground floor.
	Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	Complies Durable materials will be used which include but limited to concrete footpath, paving and tiles.
Vehicular Driveways and Manoeuvring Areas	Driveways should be: - provided from lanes and secondary streets rather than the primary street, wherever practical, - located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, - located a minimum of 10m from the perpendicular of any intersection of any two roads, and - Located to minimise noise and amenity impacts on adjacent residential development.	Complies A driveway is provided located on the southern side of the development with access from Castlereagh Street. The location of the driveway will not be in conflict with any services located within the road reserve. The location of the driveway is unlikely to create a noise and amenity impact on adjacent residential development. Furthermore, it is recommended that advisory notes are imposed advising the application to conduct a 'dial before you dig'.
	Vehicle access is to be integrated into the building design so as to be visually recessive.	Complies The vehicle access is visually recessive as it leads down to basement car parking.
	All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	Complies Minimum aisle widths are provided within the basement car parking area to sufficiently enable a three point turn. All vehicles will therefore be

Development Control	Provision	Comment
		able to enter and exit the site in a forward direction.
	Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.	Complies Conditions will be imposed regarding the approval of Section 138 Roads Act certificate and a driveway crossing application.
	Driveway widths must comply with the relevant Australian Standards.	Complies A suitable driveway width is provided which is in accordance with AS.
	Car space dimensions must comply with Australian Standard 2890.1.	Complies Car space dimensions are in accordance with AS.
	Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).	Complies The driveway grades, vehicular ramp width/grades are in accordance with relevant AS.
	Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.	N/A No habitable rooms are located adjacent to the access way.
On Site Parking	Car Parking Requirements - 1 space per one bedroom or two bedroom apartments; - 1.5 spaces per three or more bedroom units - 1 space per 10 units for visitors - 1 space per 40 units for service vehicle	As discussed above appropriate parking facilities are provided.
	Motorcycle Car Parking Spaces - 1 motorcycle space per 20 car spaces	
	Accessible Car Parking Spaces - 2% of the total demand generated by a development.	
	Bicycle Parking - 1 bicycle space per 200m^2 of LFA.	
	Car parking and associated internal manoeuvring areas provided over and beyond that required by the LDCP 2008 is to be calculated towards gross floor area.	N/A

Development Control	Provision	Comment
	Car parking above ground level is to have a minimum floor to ceiling height of 2.8 so it can be adapted to another use in the future.	N/A Car parking above ground level is not provided.
	Onsite parking must meet the relevant Australian Standards	Complies Subject to conditions.
Environmental Management		
Energy Efficiency and Conservation	New dwellings are to demonstrate compliance with SEPP (BASIX), 2004	Complies The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP (BASIX), 2004. It is recommended that conditions are imposed to ensure compliance with the BASIX commitments.
Water Conservation	New dwellings are to demonstrate compliance with SEPP (BASIX), 2004	Complies The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP (BASIX), 2004. It is recommended that conditions are imposed to ensure compliance with the BASIX commitments.
Reflectivity	New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	Complies The types of building materials used in the facade include painted rendered finish, face brick, glazing, aluminium framed windows and metal roofing. It is unlikely that these materials will result in an unacceptable level of glare on pedestrians and/or drivers.
	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.	Complies It is recommended that a condition is imposed to ensure compliance with this provision.
	Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required	N/A A reflectivity report is not required given the materials used will not result in an unacceptable level of solar glare.
Wind Mitigation	To ensure public safety and comfort, the following maximum wind criteria are to be met by new buildings: - 10m/second in retail streets, - 13m/second along major pedestrian streets, parks and public places, and - 16m/second in all other streets.	Complies It is unlikely the proposed development will impact upon the public safety in terms of wind.
	Site design for tall buildings (towers) should: - set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower, - ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre,	Complies The proposed development is technically not considered to be a tower due its height of 29.6m

Development Control	Provision	Comment
	- consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level, and - ensure useability of open terraces and balconies.	
	A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height.	N/A The development does not exceed 35m in height.
	For buildings over 48m in height, results of a wind tunnel test are to be included in the report	N/A The development does not exceed 48m in height.
Noise	An acoustic report is required for all noise affected locations, as identified in figure 25.	Complies As demonstrated within the Acoustic Report, the dwellings will be able to achieve compliance with the noise criteria, subject to noise mitigation measures. Therefore, the variation is considered acceptable.
	Sites adjacent to noise sources identified in figure 25 are to be designed in a manner that any residential development is shielded from the noise source by virtue of the location and orientation of built form on the site.	
	An 8m setback is to be provided to any habitable building located adjacent to the Hume Highway	
Waste	Provisions must be provided for the following waste generation: - General waste: 120L/week/dwelling. - Recycling: 120L/week/dwelling - Green waste: a communal waste bin of sufficient capacity to accept waste from landscape areas.	Complies In accordance with the LDCP 2008, the development requires the following storage of waste: - General waste of 13,920L; - Recycling of 13,920L; and - Green waste bin. A waste management plan was submitted which indicates that waste will be collected twice weekly, a static compaction unit will be utilized and bin sizes of 660L will be utilized. Given the above 10 x 660L bins for waste and 10 X 660L bins for recycling are required. The development provides for two waste storage rooms which are capable of accommodating the above requirements.
	In a development of more than six dwellings or where the topography, or distance to the street makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is: - Not visible from the street - Easily accessible to dwelling occupants - Accessible by collection vehicles (or adequately	Complies The following comments are made: - The waste storage area will not be visible from the street. - It is also easily accessible for dwelling occupants. - The storage area will be managed by the body corporate - Water facilities can be conditioned. - The waste storage area does not immediately adjoin private open space, windows or clothes drying areas.

Development Control	Provision	Comment
	managed by the body corporate to permit relocation of bins to an approved collection point), - Has water and drainage facilities for cleaning and maintenance; and - Does not immediately adjoin private open space, windows or clothes drying areas	
	The size and number of the waste bins shall be determined having regard to the need for either on-site access by collection vehicles or the requirement for bins to be wheeled to the street for collection by a contractor. If transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point.	Complies The waste bins will be wheeled to the designated collection point for collection by a private contractor.
Controls for Residential Development		
Housing Choice Mix	To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size: - studio and one bedroom units must not be less than 10% of the total mix of units within each development; - three or more bedroom units must not to be less than 10% of the total mix of units within each development, and	Complies: The apartment mix is as follows: - 14 x 1 bedroom units (12%) - 91 x 2 bedroom units (78%) - 11 x 3 bedroom units (10%)
	For smaller developments (less than six dwellings) achieve a mix appropriate to the locality.	N/A
	For development built by (or on behalf of) the Department of Housing, an alternative mix of unit types may be approved, subject to housing needs being demonstrated by the Department.	N/A The development will not be built by the Department of Housing.
	For residential flat buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure useability is achieved.	Complies 12 adaptable units are proposed. It is recommended by way of condition, that an Access Report is submitted to the satisfaction of the PCA prior to issue of a CC, to confirm that the adaptable dwellings are capable of being modified to comply with AS 4299-1995.
	Where possible, adaptable dwellings shall be located on the ground floor, for ease of access.	Complies Adaptable units are provided throughout various levels of the buildings. However, this is

Development Control	Provision	Comment
	Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.	considered acceptable given that lift access is provided from the basement to the adaptable units on each level.
	The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	Non-compliance It is recommended by way of condition, that an Access Report is submitted to the satisfaction of the PCA prior to issue of a CC, to confirm that the adaptable dwellings are capable of being modified to comply with AS 4299-1995.

The above assessment has found that the development is generally compliant with the LDCP 2008 and satisfactory. However, it is noted that there are some variations sought to the controls. These include:

Variation to the Side Setback

In accordance with Section 2.1 of Part 4 of the LDCP 2008, the following side setbacks are applicable:

Residential uses up to 12m (i.e Ground floor, Level 1, Level 2 and Level 3) require a minimum side setback of:

- *3m to non-habitable rooms.*
- *6m to habitable rooms.*

Residential uses between 12-25m (i.e. Level 4, Level 5, Level 6 and Level 7) require:

- *4.5m to non-habitable rooms.*
- *9m to habitable rooms*

Residential uses between 25-45m (i.e. Level 8) require:

- *6m to non-habitable rooms.*
- *12m to habitable rooms*

The development provides a nil setback to the southern boundary. Despite the numerical variation, a nil setback to the southern boundary provides a better built form outcome for the future redevelopment of the adjoining site.

The figure below as well as figure 12 and 13, show the potential redevelopment of the site to the south. Future development of the adjoining site to the south will butt against the proposed development. This will also allow the communal open space and deep soil zones to continue through the middle of the development providing greater amenity for occupants.

It is considered that the applicant has satisfactorily demonstrated that the proposed zero setback to the southern boundary will not adversely affect the redevelopment of the southern adjoining sites. Instead, the proposed scheme would allow the southern adjoining site to be similarly redeveloped. Thus, the proposed setback to the southern boundary is acceptable.

Figure 29– Future Redevelopment of adjoining site to the south

Variation to the Site Coverage

In accordance with Section 2.3 of Part 4 of the LDCP 2008, the maximum site cover for development within the residential zone is 50%. The development provides a site coverage of 67%.

As indicated above, the development does not achieve compliance with the numerical control. However, the overall design has taken into consideration the objectives of the control which are as follows:

> *a) To provide an area on sites that enables soft landscaping and deep soil planting, permitting the retention and/or planting of trees that will grow to a large or medium size.*
> *b) To limit building bulk on a site and improve the amenity of developments, allowing for good daylight access, ventilation, and improved visual privacy.*
> *c) To provide passive and active recreational opportunities.*

The development achieves the objectives as follows:

- Although the site coverage exceeds the maximum requirement, areas of soft landscaping and deep soil planting have been provided at ground level within the communal open space area. Landscaping consists of deep soil areas, which will contain a combination of trees, capable of reaching mature tree heights of 12m. Additionally, the basement has been designed to ensure that deep soil areas are provided to ensure the retention of three trees.
- Deep soil planting exceeds the minimum ADG requirement of 7% and complies with the LDCP 2008 requirement of 15%.
- The building bulk is not considered to be excessive, as compliance with the FSR and height is achieved.
- The communal open space area at the ground level will provide the future occupants

with passive and active recreational opportunities.

Given the above, the variation is considered to be acceptable despite the numerical non-compliance.

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

No planning agreement relates to the site or proposed development.

6.5 Section 79C(1)(a)(iv) – The Regulations

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

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

There are no Coastal Zones applicable to the subject site.

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

(a) Natural and Built Environment

Built Environment

The development will have minimal impact on the built environment given that it is located within the City Centre which is zoned for high density residential. Therefore, it is considered to be consistent with the current and future character of the locality.

The proposed scheme with two buildings separated by a central communal open space is considered to be an appropriate design which is responsive to the location and the orientation of the site, and importantly the northern and southern adjoining sites. The development satisfactorily addresses both Copeland Street and Castlereagh Street with built form that would activate these streets. Furthermore, the proposal has been designed with adequate regard to the northern and southern adjoining sites without having any adverse impact on the development potential of these adjoining sites. In this regard, the north and south adjoining sites would able to be similarly re-developed to the same level of intensity as the proposal and still achieve compliance with SEPP 65 requirements.

Notwithstanding the above, it is noted that the west facing apartments within Block B are not provided with adequate shading devices to ensure protection from the harsh summer sun. Accordingly, it is recommended that adjustable external louvres be provided and approved by Council's Manager of Development Assessment prior to issue of a CC.

Natural Environment

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment.

Consideration has been given to the proposed tree removal. The site contains 36 trees, of which 3 are proposed to be retained. The basement of the development has been designed to ensure that these three trees (identified as 27, 28 and 29 on the landscape plan) which consist of two lemon-scented gum trees and a willow bottlebrush tree can be retained. The application was accompanied by an Arboricultural Impact Assessment which concluded that these trees can be retained subject to tree protection zones and special protection works

during construction, as outlined within the report.

This aspect was assessed by Council's Landscape officer who agrees with the conclusions of the report and has raised no objections or issues with the proposal, subject to conditions of consent.

(b) Social Impacts and Economic Impacts

The development is likely to result in a positive social impact within the locality. The provision of the communal open space area will promote social interaction and bonding among building occupants.

The development also provides bicycle spaces which will encourage users to engage in outdoor activities resulting in improved health and general well-being.

The development will result in a positive economic impact, through the provision of employment generated during the construction of the development and the on-going building maintenance

6.8 Section 79C(1)(c) – The Suitability of the Site for the Development

The site is considered to be suitable for the proposed development. Site constrains such as the adjoining road corridor will be appropriately managed through the recommended conditions.

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

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

(a) Internal Referrals

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

Department	Comments
Building	The application is capable of complying with the BCA, subject to conditions.
Engineering	Engineering have reviewed the concept stormwater drainage plan, and have given their support of the application subject to conditions.
Health and Environment	Council's Health and Environment Section have reviewed the Acoustic Assessment which concluded that, provided the recommendations in the report are implemented, the noise from the proposed development is predicted to comply with the acoustic requirements outlined in the relevant guidelines. As such the application is supported, subject to conditions.
Heritage Advisor	The proposed development will not have an adverse on the Liverpool Town Plan as no change is proposed to the road alignment and the development is contained wholly within the site boundaries. As such, the application is supported.
Flooding	Council's Floodplain Engineers have reviewed the proposed development and are satisfied that the development will not adversely affect flood behaviour or impact other adjacent development. The application is supported subject to conditions.
Landscaping	Council's Landscape Officer has reviewed the proposed landscaping plan, tree removal and the proposed retention of trees, with no issues raised, subject to conditions.
Traffic and Transport	The traffic and Transport support the application, subject to conditions. The traffic generation impact from the development will not exceed the

	capacity of the surrounding road network. Additionally, car parking, access and design comply with the relevant requirements.

(b) External Referrals

The DA was referred to the following external Public Authorities for comment:

Authority	Comments
Sydney Water	Supported, subject to conditions.
Endeavour Energy	Supported.
RMS	The RMS raised concerns with the initial application as the development encroached within the SP2 zone land, which at the time, this land formed part of the road reserve. However, since the RMS provided those comments, a Road Closure Application was approved, as such that land is no longer a road reserve and the land remains as operational land vested with Council. Additionally, the application has since been amended to ensure that there are no building encroachments within the former road reserve. Therefore, the concerns raised by the RMS have been addressed and resolved.

(c) Community Consultation

In accordance with the LDCP 2008, the application was not required to be notified. However, one submission objecting to the proposed development was received.

A summary and a response to the issues raised in the submission, is detailed in the following table below.

Concerns raised	Comments
The proposed development will isolate No. 6 Copeland Street	The site is not considered to be isolated as there is potential for the site to be amalgamated with the sites to the north, as the previous development approval on that site has lapsed. It is noted that since the submission of the objection, the owner has lodged a DA (DA-1226/2016) for 6 Copeland Street, Liverpool. The application is currently under assessment. The proposed development under this DA will not impact upon the redevelopment of 6 Copeland Street, as both developments achieve compliance with the required building separation distances under the ADG.

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

The proposed development is consistent with the zoning of the land and would represent a high quality development for Liverpool. The development provides additional housing opportunities within close proximity to employment opportunities and public transport.

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

7 CONCLUSION

In conclusion, the following is noted:

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

- The proposal substantially complies with the provisions of the LDCP 2008. There are variations proposed to some development standards, however these are considered acceptable on merit.

- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form is consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.

- The development will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings.

- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site.

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

8 ATTACHMENTS

1. Architectural plans
2. Landscape plan
3. Stormwater drainage plan
4. Survey plan
5. Recommended conditions of consent
6. Statement of Environmental Effects
7. SEPP 65 Verification Statement, Design Principles and Compliance Table
8. Acoustic Report
9. Waste Management Plan
10. Traffic and Transport Assessment Report
11. Arboricultural Impact Assessment Report
12. BASIX Certificate
13. Design Excellence Panel Comments
14. Objection