SYDNEY SOUTH WEST PLANNING PANEL
COUNCIL ASSESSMENT REPORT

Panel Reference	2015SYW218
DA Number	DA-1212/2015
Local Government Area	Liverpool City Council
Proposed Development	Consolidation of four existing lots, demolition of existing structures and tree removal, and construction of a 9-storey residential flat building comprising a total of 102 units. The development provides a unit mix of 18 x 1 bedroom apartments, 71 x 2 bedroom apartments and 13 x 3 bedroom apartments. The proposal also provides two levels of basement parking
Street Address	17-23 Goulburn Street, Liverpool (Lots 1- 4 DP 13932)
Applicant/Owner	Applicant – Mr W Chao Owner – PTA Dermatology
Date of DA Lodgement	11 December 2015
Number of Submissions	Nil
Recommendation	Approval (subject to conditions)
Regional Development Criteria (Schedule 4A of the Act)	The Capital Investment Value of the development is over $20 million ($26,483,460)
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 - 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)* - N/A • *List any relevant development control plan: s79C(1)(a)(iii)* - Liverpool Development Control Plan 2008 - Part 1 – General Controls for all Development - Part 4 – 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 and National Construction Code (NCC)
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	The proposal is not subject to a Special Infrastructure Contributions (SIC) condition
List all documents submitted with this report for the panel's consideration	• Recommended conditions of consent • Architectural Plans • Landscape Plan • Design Review Panel (DEP) Comments • Applicant's Response to DEP Comments • Statement of Environmental Effects • Acoustic Report • Traffic and Parking Report • Stormwater Management Plan • Stormwater Concept Drawings • Preliminary Site Investigation • Arboricultural Assessment and Impact Report • Social Impact Assessment
Report prepared by	Nelson Mu
Report date	19 December 2016
Meeting Date	Electronic Determination

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? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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?	**Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?	**No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?	**Yes**

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

1. EXECUTIVE SUMMARY

This application seeks consent for the consolidation of four existing lots, demolition of existing structures and tree removal, and the construction of a 9-storey residential flat building comprising a total of 102 units. The development provides a unit mix of 18 x 1 bedroom apartments, 71 x 2 bedroom apartments and 13 x 3 bedroom apartments. The proposal also provides two levels of basement parking.

The subject site comprises four separate allotments, identified as Lots 1 - 4 DP 1393230, with a total site area of 2,871.5m². The site is known as 17, 19, 21 and 23 Goulburn Street, Liverpool and currently accommodates four (4) single storey dwellings and associated structures.

The site is zoned R4 High Density Residential pursuant to Liverpool Local Environmental Plan 2008, within which the proposed development is permissible with consent.

The Sydney South West Planning Panel is the determining body as the Capital Investment Value (CIV) of the development is over $20 million, pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979. The CIV is $26,483,460.

The proposed development, as amended, generally complies with the applicable planning instruments and controls relevant to the development, including SEPP 65 – Design Quality of Residential Apartment Development and Liverpool Local Environmental Plan 2008. The development has been designed with sufficient regard to neighbouring properties and taken into consideration of design changes recommended by Council's Design Excellence Panel. The proposed residential flat building is considered to be an appropriate form of development and an efficient building has been conceived for the site, having regard to the sites R4 High Density Residential zoning.

The application was not required to be advertised or notified, pursuant to the Liverpool Development Control Plan (DCP 2008). Accordingly, there were no submissions received in relation to the proposal.

A briefing meeting was held with the Sydney West Joint Regional Planning Panel (JRPP) on 10 February 2016 in respect to the proposal. The Panel discussed matters pertaining to land contamination, specifically, the conditioning of further contamination investigations following the demolition of existing structures on the site. It was concluded that such an approach was appropriate under the circumstances, as the imposition of a condition of consent requiring the preparation of a Phase 2 – Detailed Site Investigation (DSI) has been supported by Council's Environmental Health Section and the risk of any significant site contamination is low, given the site's history of residential uses. Should the DSI identify that remediation is required to ensure that the site is suitable for the proposed development, then a condition of consent will require that a Remedial Action Plan (RAP) be prepared and enacted.

The application has been assessed having regard to the matters of consideration pursuant to Section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979. The assessment of the application concludes that the proposal is an efficient building that has been designed taking into consideration of its development context and neighbouring

properties that would positively contribute to the character of the Liverpool City Centre. Accordingly, it is recommended that the application be approved subject to standard conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site comprises four separate allotments, identified as Lots 1 - 4 DP 1393230, with a total site area of 2,871.5m². The site is known as 17, 19, 21 and 23 Goulburn Street, Liverpool and currently accommodates four (4) single storey dwellings and associated structures.

The site is located on the south-west corner of Goulburn Street and Lachlan Street. It has frontages of approximately 59.6m to Goulburn Street, 48.195m to Lachlan Street and 59.71m to Goulburn Serviceway.

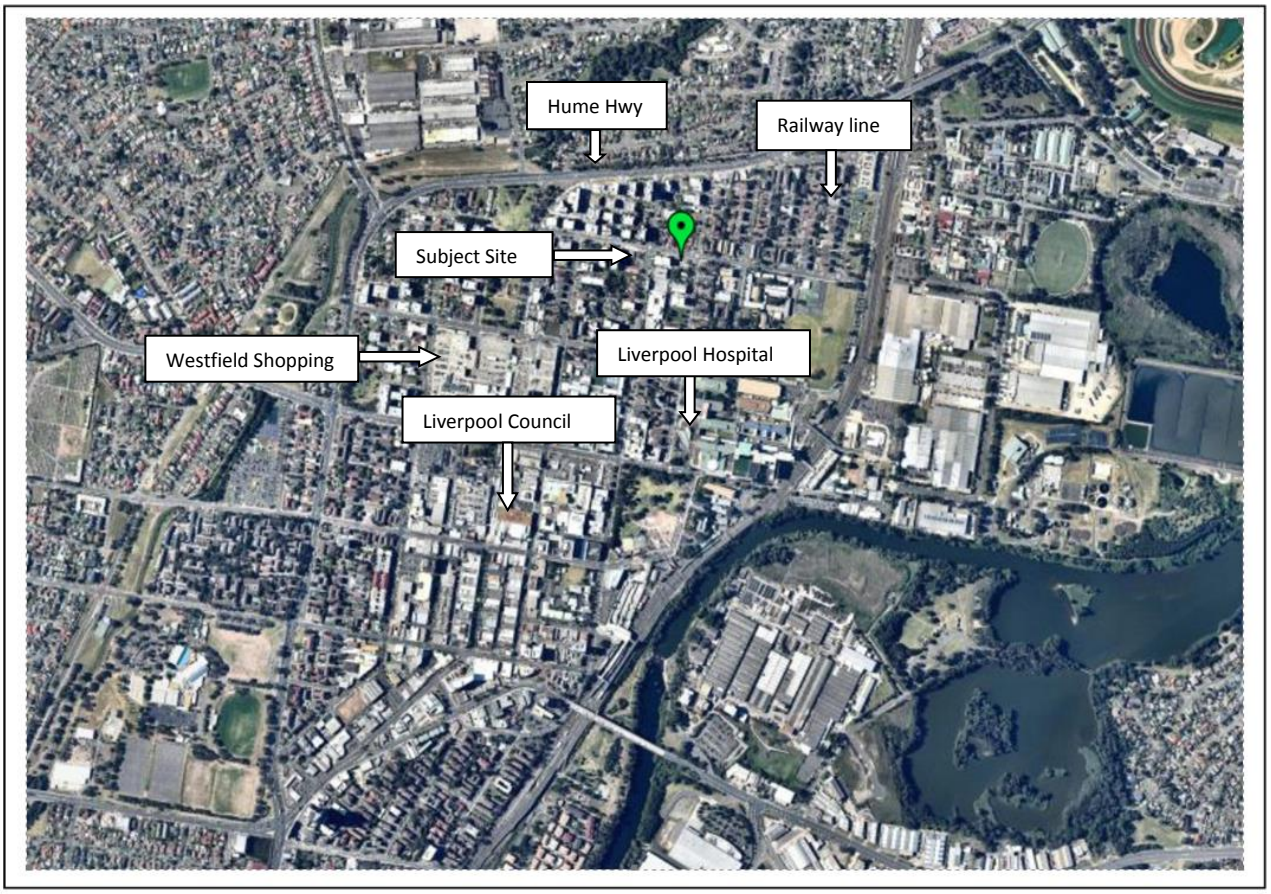

Figure 1: Aerial photograph showing the locality of the development site in relation to the Liverpool City Centre (Source: Nearmap)

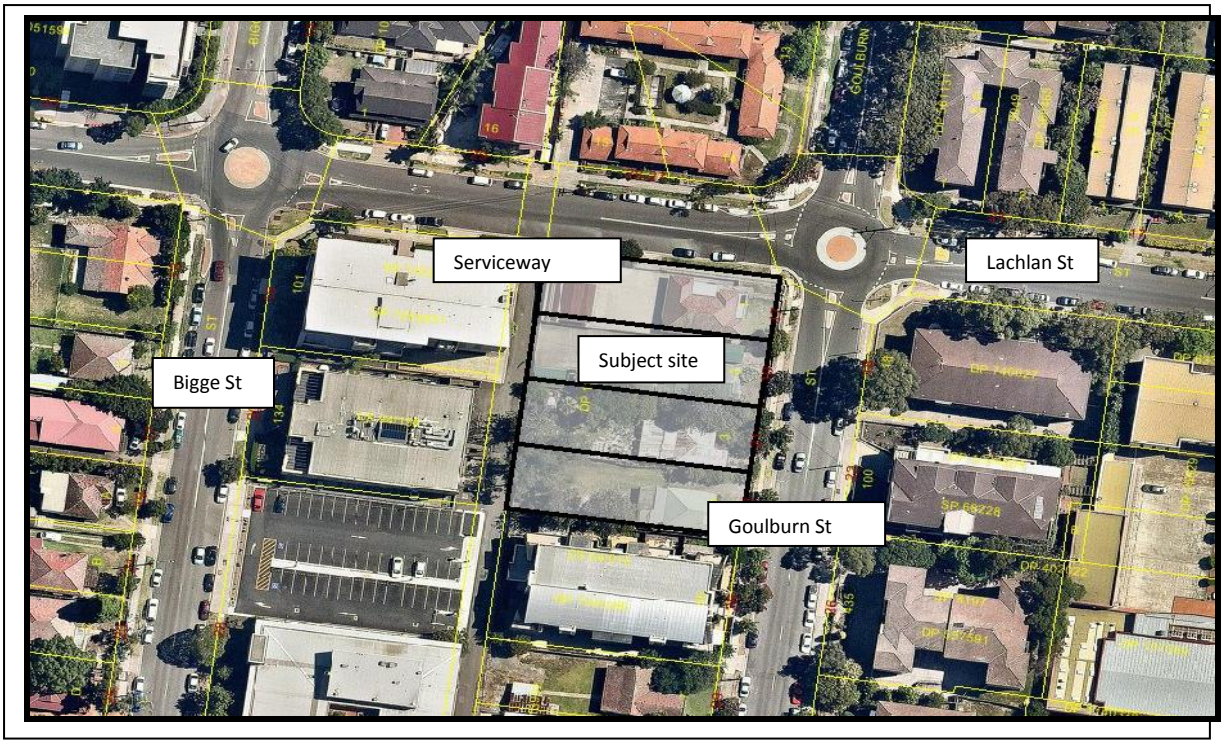

Figure 2 - Aerial Photo showing the subject site, highlighted in black (Source: Eview)

Figure 3 – View of the site from Goulburn Serviceway looking in a southern direction

Figure 4 - Goulburn Serviceway and existing modern residential flat building opposite the site on the corner of Lachlan and Bigge Streets looking in a southern direction

Figure 5 - Site viewed from Goulburn Street

Figure 6 - Existing residential flat building immediately south of the proposed development site: a 6-storey building

Figure 7 - Existing dwelling at 23 Goulburn Street

Figure 8 - Existing dwelling at 21 Goulburn Street

Figure 9 - Existing dwelling at 19 Goulburn Street

Figure 10 - Existing dwelling at 17 Goulburn Street

2.2 The Locality

The subject site is located in the northern part of the Liverpool City Centre, in an area characterised by a mix of modern residential flat buildings, older walk-up style flats, single storey dwellings and medical buildings.

The site is bounded by a recently constructed residential flat building of a comparable height and scale and a two-storey medical centre to its western boundary and an older residential flat building to its southern boundary. Lachlan Street separates the site from a townhouse complex to the north and Goulburn Street separates the site from older style flats to the east.

The block on which the site is located is dominated by the Sydney Southwest Private Hospital building and an open car parking area and associated medical centres of mixed sizes, ages and architectural styles, providing a variety of medical services. The block also contains a mix of residential flat buildings as well as a small number of single storey dwellings which are likely to be redeveloped in the future in accordance with the higher residential densities afforded by the zoning of the land under the LLEP 2008.

2.3 Site affectations

The subject site is not affected by any constraints that would affect the proposed development.

3. DETAILS OF THE PROPOSAL

The proposal, as amended, seeks consent for the following:

- Demolition of the existing buildings and structures on the site, tree removal, and excavation to form a two-level basement carpark.
- Construction of a 9-storey residential flat building comprising a total of 102 residential apartments as follows:
    - 18 x 1 bedroom apartments
    - 71 x 2 bedroom apartments
    - 13 x 3 bedroom apartments
- Ancillary landscaping and public domain works including the provision of new landscaping, street trees plantings and paving to the street frontages.

Figure 11: Artists Impression of the Proposed Development

4. BACKGROUND

4.1 Issues Identified in Initial Assessment

The initial assessment of the proposal identified the following deficiencies with the proposal:

- The proposal exceeded the maximum floor space ratio (FSR) as prescribed by Clause 4.4 of the LLEP 2008;
- The development was non-compliant with a number of the setback controls in the LDCP 2008;
- The building was inconsistent with the building separation provisions of the Apartment Design Guide (ADG);
- A Detailed Site Investigation (DSI) was requested to address land contamination risks;
- A large portion of the ground floor communal open space was provided as an under-croft area with the apartments above overhanging. It was noted that the applicant

excluded the under-croft area from the calculation of site coverage. The under-croft area was to be reduced and included in the calculation of site coverage.

The FSR issue was subsequently raised by Council's Design Excellence Panel at its meeting on 4 February 2016, where the applicant agreed to amend the plans to reduce the proposed FSR. A number of other design issues were also raised, particularly in relation to the proposed under-croft communal open space on the ground floor.

Amended plans were lodged on 31 March 2016 in response to the non-compliances outlined above. The proposed under-croft area was also substantially reduced and has now been included in the calculation of site coverage.

In relation to the request for a DSI, it was advised that further investigations would require the demolition of the existing dwellings and ancillary structures and the removal of areas of hardstand on the site. The applicant requested that the preparation of a DSI be made as a condition of consent following demolition, which has been supported by Council's Environmental Health Section, who indicated that there are no obvious indicators of site contamination present on the site. It was also noted that the site has been used for residential purposes since at least 1955 and the risk of significant site contamination is therefore low. Further, given that the vast majority of the site is to be excavated to facilitate the construction of basement car parking, it is considered appropriate that the DSI be required as a condition of consent.

4.2 History

a) Pre-DA meetings

A Pre-DA meeting was held for the proposed development on 23 September 2015.

b) DA Lodgement

The Development Application was lodged on 11 December 2015.

4.3 Design Excellence Panel Meeting

The application was initially considered by the Design Excellence Panel on 4 February 2016. A second meeting was held to discuss the proposal on 10 June 2016 and the development was again considered by the panel (without the applicant being in attendance) on 18 August 2016. The plans were amended following each of these meetings in order to address the concerns of the Panel. As an outcome of the initial meeting on 4 February 2016, the Panel made the following comments in relation to the proposal;

- The building should address Goulburn Street with an architectural treatment of the first 4 stories similar to that provided on Lachlan Street.
- Preferable to have more 'through' units in terms of solar access and cross ventilation.
- The panel does not support the proposed Cl. 4.6 variation for FSR, as the building does not comply with all setbacks and the design would be improved with a complying FSR and building volume.
- The panel does not support building over the communal open space. The great majority of the communal open space should be open to the sky so that it is pleasant

and useable. The upper levels should reflect the ground floor plan. Some overhang of built form (preferably 2 storeys above ground level) over a limited portion of the communal open space may be considered.
- The building should be a square shape around a central courtyard.
- An area that could be used as a community room for residents could be added at ground level, addressing the courtyard.
- In terms of the architectural resolution, a horizontal podium should be introduced to Goulbourn Street that is approximately 3-4 storeys in height.
- The northern wing of the development could be lowered to improve solar access to the courtyard.
- Larger scale planting should be introduced in the courtyard. The temporary bin area, located within the deep soil area should be relocated and replaced with tree planting.
- Minor encroachments in the setbacks need to be eliminated.

On 31 March 2016, the applicant submitted amended plans which included the following design changes:

- The building shape was amended to a U-shape around a central courtyard.
- The upper levels of the building were amended to reflect the amended ground floor design, resulting in a significant reduction in area of overhang over the communal open space.
- A horizontal podium, four storeys in height was introduced to the Goulburn Street elevation.
- There was no reduction in the northern wing of the building as this was not found to result in any positive outcomes in terms of solar access to the courtyard.
- The temporary bin storage area was relocated outside of the deep soil area and replaced with tree planting.
- No community room was added as the development already provided sufficient communal open space.

The proposed development was again considered by the DEP at its meeting of 10 June 2016. As a consequence of this meeting, the Panel made the following comments:

- Master bedrooms appeared to be undersized. All habitable rooms must comply with the requirements of the ADG.
- A smaller set-back should be provided from the laneway boundary so that the separation distance is taken from the centre line of the laneway, not the site boundary. If the building is located closer to the laneway it would enable a more generous deep soil zone along Goulburn Street and planting of larger trees within the property boundary in front of the building.
- The Panel advised that in the case of an inconsistency between the requirements of the ADG and the DCP 2008, the ADG is to apply to the proposal.
- Level 8 is to be set back to comply with the requirements of the DCP 2008. It was noted that this level is restricted to a maximum of 20% of GFA.
- The Panel recommended a floor-to-floor height of 3050mm to enable a floor-to-ceiling height of 2.7m to be easily achieved.
- A Landscape Plan is to be provided which provides for deep soil planting and works within the publicly accessible areas, the interior of the building as well as externally to the neighbourhood.
- A strategy for ameliorating the relationship of the access driveway with the neighbouring property needs to be developed.
- Council should condition the DA to ensure that substantial street trees are planted.

- The communal open spaces at ground level and Level 8 must in aggregate comply with the ADG standards: minimum area equal to 25% of the site area and minimum 2 hours solar access in midwinter to 50% of the communal open space.
- The bin storage is to be located in the basement and the temporary storage relocated so that it does not impinge on the communal courtyard area and the view from the entrance.
- The panel remains concerned about the bulk/mass of the building, and the proposal as presented does not ameliorate this concern. Building articulation remains unsatisfactory. Overall, the current proposal is not of acceptable design quality.
- The building does not yet represent an excellent design solution for a building of this scale and more work on the development of the architectural expression of the project is required.
- The massing and articulation need to be further modified so that the building appears less bulky.
- The mass can be refined by an aesthetic approach so that the building is well modulated and articulated.

Draft amendments were received on 8 August 2016, which sought to address the matters raised by the panel as outlined above. The draft plans were again presented to the Panel on 18 August 2016. In accordance with the recommendation of the Panel, the applicant was not required to attend this discussion. As an outcome of this meeting, the following recommendations were provided by the Panel:

- The main entrance and massing of the building is still not properly resolved, and there needs to be better resolution of the main ground level foyer to integrate stairs, ramp, letterboxes, and if possible some bench seating to encourage communal social interaction.
- The Goulburn street 'east/west wing' entrance is to be recessed to give more definition to the envelope either side. This requires sliding back the central apartments to make a sculptural indent between the parallel wings. This would provide a deeper and more definitive break between the buildings and create more recessive and less recessive areas. The colour palette should reinforce this massing.
- The existing horizontal frame around the lower level street balconies is dark grey and the background colour is light. It is recommended to reverse these colours, so that the white frame visually stands out and the background is visually recessive.
- To obtain better natural light and ventilation potential for the lift lobbies, and a more central location in each wing, rearrange the lift cores and consider alternative, more efficient stair layouts.
- The waste collection should be in the basement.
- The panel support the use of more brick and less render in the proposal, and a simplification of the overall material palette. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining, weathering and failure of applied finishes.
- The inclusion of a 1:20 detail facade section would enable better explanation of the intended construction with integration of structure, materials and services.
- Apartments B101 and above, A102 and A403 and above need to be re-planned so that corridor circulation is not so convoluted
- The relationship of corner apartments still need to be addressed.
- The common open space on the roof requires a universal WC/barbeque facilities/shade and landscaping as there is currently no amenity.
- A Landscape Plan is required, and should indicate optimum use of deep soil zones for significant vegetation.

A number of additional matters were raised by the Panel at its meeting of 18 August which had not been previously raised with the applicant and that was inconsistent with the purpose of the additional review. The matters relating to landscaping, the massing of the building, the horizontal framing of the 4-storey podium and the design of the entrance were considered relevant to the assessment and the applicant was requested to address these matters. Amended architectural plans were subsequently provided on 16 September 2016 which have satisfactorily addressed the relevant concerns raised by the Panel.

4.4 JRPP Briefing

A briefing meeting was held with the JRPP on 10 February 2016. The Panel discussed matters pertaining to land contamination, specifically, the conditioning of further contamination investigations following the demolition of existing structures on the site. It was concluded that such an approach was appropriate under the circumstances, as the imposition of a condition of consent requiring the preparation of a Phase 2 – Detailed Site Investigation (DSI) has been supported by Council's Environmental Health Section and the risk of any significant site contamination is low, given the site's history of residential uses. Should the DSI identify that remediation is required to ensure that the site is suitable for the proposed development, then a condition of consent will require that a Remedial Action Plan (RAP) be prepared and enacted.

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:

<u>Environmental Planning Instruments (EPI's)</u>

- 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
- State Environmental Planning Policy (State and Regional Development) 2011
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Liverpool Local Environmental Plan 2008

<u>Other Plans and Policies</u>

- Apartment Design Guide.

<u>Development Control Plans</u>

- 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 (Liverpool City Centre) 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 the LLEP 2008, as depicted in the figure below.

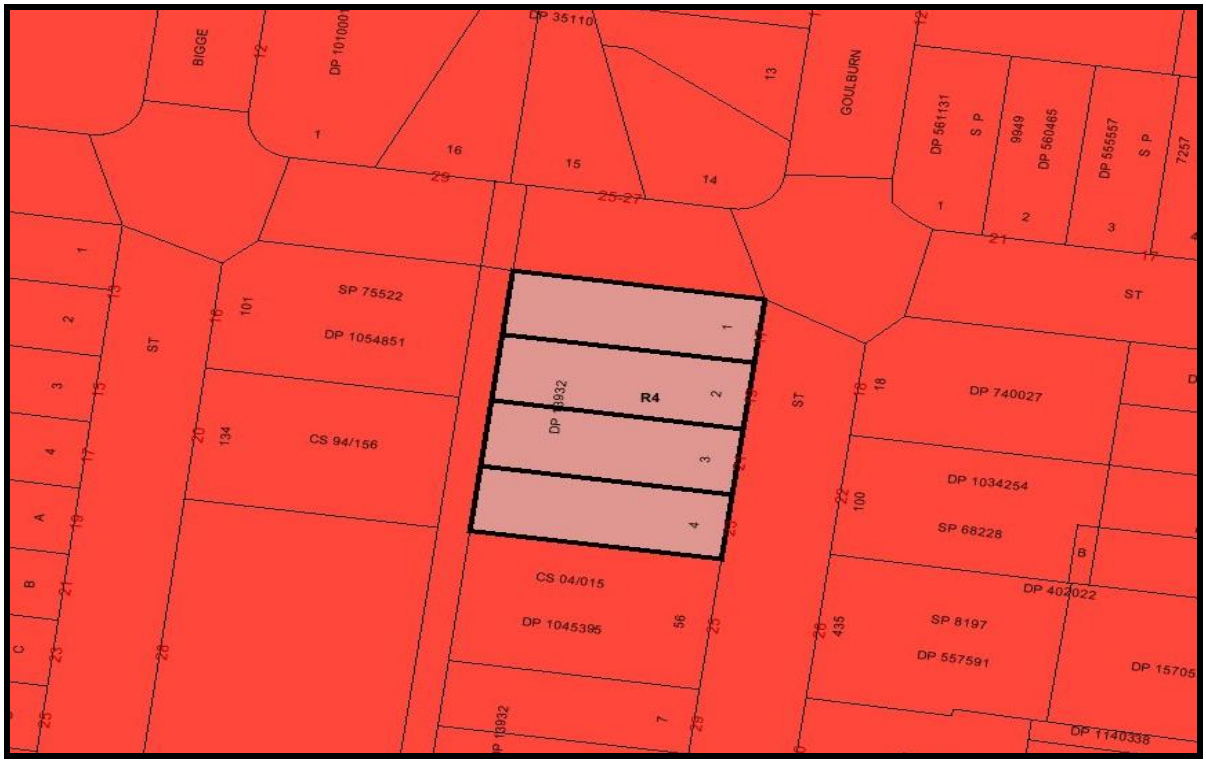

Figure 12: Zoning Map (source: Liverpool Council LEP 2008)

The proposed development is defined as a ***'residential flat building'*** which is defined by the LLEP 2008 as follows:

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

The proposed development is permitted with consent in the R4 zone.

6. ASSESSMENT

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

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

The proposal seeks to construct a 9-storey residential flat building. The provisions of SEPP 65 apply to the proposed development, as it has a height greater than 3-storeys and contains more than 4 residential apartments.

SEPP 65 requires:

- A design verification from a qualified designer, verifying he/she completed the design of the residential apartment development, and that the design quality principles set out in Part 4 of SEPP 65 — Design Quality of Residential Apartment Development are achieved; and

- In determining a development application for consent to carry out residential apartment development, the consent authority is to take into consideration the Apartment Design Guide (ADG).

The application is accompanied by a SEPP 65 Design Statement prepared by Gus Fares Architects outlining the design quality of the development in accordance with the nine design quality principles as provided by the SEPP as follows:

Design Quality Principle	Response
1. Context and neighborhood character	The surrounding locality of the site is predominately characterised by medium to higher residential density developments, ranging from walk up apartment blocks (of higher density) to multi-unit dwellings (medium density town houses). Noting that the area contains a mixture of built forms and densities, the proposed Residential Flat Building is argued to provide an appropriate 'fit' to both the existing and future development of the neighbourhood character. Under the LLEP2008, the site is zoned 'R4 High Residential Density' which permits the development of Residential Flat Buildings. Associated with the need to accommodate the increasing demand for housing supply, influenced by the increasing growth in population, concepts of urban consolidation and Transport Orientated Design (TOD) are also supported by the proposed development. Proposing an ideal housing solution to support the local area and the increasing density of the urban context, it is argued that this proposal is compatible within the site's current locality, not only meeting Legislative Planning objectives of the zone it resides within, but also positively contributing to an enhanced livelihood of the area.
2. Built form and scale	The proposed development is a nine storey Residential Flat Building, with a 2 storey basement carpark. The site is identified as having a maximum building height of 35m. The scale of the development being 9 storeys (proposing a maximum building height of 29.25m), complies with the maximum height and seeks to utilise the

Design Quality Principle	Response
	permissible height limit to maximise residential development within close proximity to public transport, infrastructure services and amenities. All the setbacks of the proposal comply with the council regulations outlined within the LDCP 2008. The composition of building elemental textures, choice of materials and colours reflect the use of the internal design and the structure of the building. The façades of the building clearly define the base and the top and the articulation of the balconies enrich the façade with a sense of scale and proportion. A variety of opening types are used to create patterns and rhythm to the building and further reflects the building use. It is argued that the proposed development responds to the context it is sited within, where the building form has been articulated to address both street frontages of Goulburn Street and Lachlan Street. The roof design of the proposed building responds to the environment and the context. It is noted that the roof form is well integrated into the overall design and performance of the building. In addition to this, balconies, louvres, feature walls and complementary architectural elements have been articulated to enhance visual interest of each of the respective streetscapes to increase variety and richness - fundamental for a corner lot.
3. Density	The proposal features a 9 storey Residential Flat Building accommodating 102 Residential Units. Highlighting the need for an increase in accessible housing supply and to work towards strategies outlined within the Metropolitan Plan for Sydney 2031, this development provides a variety of appropriate 'housing choices' to accommodate both the existing and projected demographics of the area. Drawing upon the conceptual ideologies associated with the 'compact city', it is noted that the subject site and proposed development contributes towards the provision of new housing stock to assist in accommodating the large increase in population growth within Sydney within 'urban infill areas'. The density proposed by this application is argued as suitable within the R4 Zone and is appropriate to the subject site and context, meeting the current market demands for Transport orientated housing stock (TOD). The proposal demonstrates consistency with the existing and forecasted population growth of the Liverpool area - overall justifying the proposed density of the development which is predicted to double in density by the year 2031. Situated within the Liverpool city centre, on the intersection of Goulburn and Lachlan Streets, the proposed development is within close proximity to a range of services and amenities; social, recreational, retail and infrastructure which supports the suitability of Residential Flat development on the subject site. Being located on the major road, the project is considered favourable within the locality to provide accommodation for various groups of people such as students, health care workers, other professionals and senior citizens. Given

Design Quality Principle	Response
	the increase in local housing demand, the proposal can be sustained by the current locality of infrastructure and will assist to improve the pattern of living lifestyle within the context.
4. Sustainability	A separate Waste Management Plan has been provided detailing the proposed clearance of existing site structures, and the control of building waste throughout the Construction Phase. Building material selections and planning efficiency will be in keeping with sound Sustainability Principles. 72% of units have been designed to receive minimum 3 hours of daylight in midwinter between 9am to 3pm. Furthermore this development exceeds the minimum requirements outlined within the SEPP65 Apartment Design Guide, proposing 65% of units (minimum 60%) to be naturally ventilated. It is the intention of the design to integrate planning to reduce reliance of mechanical heating/cooling to an absolute minimum through features such as cross ventilation. A BASIX Report and ABSA certificates in relation to the residential units have been provided.
5. Landscape	The site is zoned R4 High Density Residential. The proposed development includes 823sqm of landscaped area, which equates to 28.7% of the total site area. The landscaping requirements of the DCP2008 are 25% (718 m²) of total site area. Thus, the proposed development complies with the relevant landscape controls. In addition to exceeding minimum landscaping, this building demonstrates harmony between the proposed built form and landscaped surfaces. It is argued that well-planned landscaped works contribute towards the enhancement of the existing streetscape.
6. Amenity	All rooms satisfy the ADG requirements and are intended to respond to both the local housing market expectations as well as the internal and external amenity for residents and neighbours. Each unit has been designed to comply with the required room dimensions and size, access to natural ventilation, solar access, privacy and private open space.
7. Safety	It is highlighted that this development satisfies the design principles addressed within the ADG as well as the DCP 2008 and achieves a harmonious relationship between public and private spaces. Opportunities for passive surveillance of communal spaces have been maximised to prevent criminal activities which are most likely to occur in dark and non-visible areas. It is acknowledged that the locality has already transitioned into an area of high residential density, where only a minority of existing development remains as detached single dwellings. It is argued that the concerns of privacy, both acoustic and visual, of both the neighbouring properties and the proposed development will not implicate any adverse impacts on safety or quality of residential lifestyle.

Design Quality Principle	Response
	Privacy and safety were also taken into consideration in the location of communal open space – located both at ground level, with passive surveillance from the proposed units above, as well as the roof top of the development which provides passive surveillance onto surrounding streets and public domain. Furthermore, safety is promoted through the integration of low level lighting into landscaped areas surrounding the development, particularly highlighting unit entrances, building access points and car parking areas. Intercoms with automated night lighting will be provided at the access to the building.
8. Housing diversity and social interaction	The following data obtained from the 2011 Census highlights the most predominate age group within the Liverpool LGA is of 0-4 years, however the majority of the population residing within Liverpool are of working age between the ages of 20 – 50, which indicates a high percentage of young families within the area. In addition to this, analysis of this data also places emphasis on the equal proportion between the social groups - married or separated. Data on methods of travel to and from work illustrate the higher percentage of people utilising private transportation as the predominate method of travel. As the subject site is within close proximity to public facilities including public transport the proposal will encourage sustainable travel decisions of future residents. Analysis of population data highlights that a large proportion of the population within Liverpool are attending an educational institution. The proposed development would cater for demand in the local rental market for accommodation for students through the proposed mix of units, tailoring the development to meet both the social context and market demands for 2 Bed (69%), for Young Families or of Married Status, and 1 Bedroom units (17.6%) for Separated, not Married or Students.
9. Aesthetics	The street façade has been designed to give a consistent and pleasing appearance to the streetscape, whilst providing an aesthetically pleasing mix in texture and building finishes adding visual interest on the intersection of Goulburn and Lachlan Streets. The alignment of external walls has deliberately been broken up to achieve varying elevations with distinctive features while achieving a balanced composition of elements which reflect the internal layout and structure of the development. In addition to these attributes, the articulation in balconies and roof spaces also reduces the bulk of the building while providing an appropriate ‘fit’ in the neighbourhood character. The proposed development will provide an additional ‘richness’, variety in building form and composition that demonstrates an appropriate response to both the existing and future character of Liverpool.

The response to the Design Quality Principles demonstrates that the proposed development achieves the design quality principles set out in Schedule 1 of SEPP 65 - Design Quality of Residential Apartment Development and that the proposed development is unlikely to prevent adjoining sites from being similarly re-developed in accordance with the LLEP 2008 and LDCP 2008.

Clause 30(2) of SEPP 65 requires that residential flat development be designed in accordance with the ADG. The following table outlines compliance with the ADG:

Provisions	**Comment**
PART 3 SITING THE DEVELOPMENT	
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** The proposed development is considered appropriate for its context. The building is consistent in scale to surrounding developments and appropriate building setbacks have been provided.
3B Orientation	
3B-1. Building types and layouts respond to the streetscape and site while optimising solar access within the development 3B-2. Overshadowing of neighbouring properties is minimised during mid-winter	**Complies** The building layout has been designed to address its frontage to both Goulburn Street and Lachlan Street. A U-shaped building is proposed for the site, representing a reasonable design response for the site and the orientation of the site. Overshadowing of the northern façade of the existing building to the south is inevitable in mid-winter, having regard to the allowable building height of 35m for the locality. However, an appropriate building separation has been provided and the height and scale of the building is appropriate for the site.
3C Public Domain Interface	
3C-1 Transition between private and public domain is achieved without compromising safety and security 3C-2 Amenity of the public domain is retained and enhanced	**Complies** Where practical, ground floor units have been provided with direct street entry, thus contributing to safety and passive surveillance of the street. Mailboxes are located perpendicular to the street within the entry foyer. Bin storage is located in the basement, temporary bin storage is enclosed and a potential substation location has been identified on the site's frontage to a laneway.
3D Communal and public open space	
3D-1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of	**Complies** A minimum of 718m² of communal open space is required for the site. The site provides for approximately 1081m² of communal open space comprising of a ground floor courtyard and two rooftop courtyards. The proposed communal spaces are of an adequate size and dimension to allow for a range of activities.

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)	The rooftop receives greater than 2 hours direct solar access in mid-winter.
3D-2. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	
3D-3. Communal open space is designed to maximise safety	
3D-4. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	
3E Deep soil zones	
Site Area >1500m² Min. Dimensions 6m Deep soil zone (% of site area) - 7%	**Complies** The development is required to provide a total of 201m² of deep soil. 219.1m² of deep soil has been provided and is of appropriate dimensions.
3F Visual Privacy	
Requirement: Building Height / Habitable Rooms and Balconies / Non Habitable Rooms Up to 12m (4 Storeys) / 6m / 3m Up to 25m (5-8 Storeys) / 9m / 4.5m Over 25m (9+ storeys) / 12m / 6m	**Complies** Setbacks from the boundary to the south have been provided in accordance with the requirements of this section. Building separation has been taken from the centre line of the laneway to the west of the site. All setbacks comply with these requirements.
3G Pedestrian access and entries	
3G-1. Building entries and pedestrian access connects to and addresses the public domain	**Complies** The proposal provides entry from all three of its frontages. The main entrances from Goulburn Street and Lachlan Street are clearly identified and visible from street level.
3G-2. Access, entries and pathways are accessible and easy to identify	
3G-3. Large sites provide pedestrian links for access to streets and connection to destinations	
3H Vehicle Access	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	**Complies** The proposed vehicle entry has been located along Goulburn Serviceway to the rear of the site. This is considered to be the most suitable location.
3J Bicycle and Car Parking	
3J-1.Minimum car parking requirement for residents and visitors to comply with Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is less.	**Complies** The site is located within 400 metres of land zoned B4 Mixed Use in the Liverpool City Centre, being a nominated regional centre for the purposes of this provision. Car parking must therefore comply with either the DCP 2008 or the RMS Guide to Traffic Generating Development, whichever is less. Car parking has been provided in excess of the
3J-2. Parking and facilities are provided for other modes of transport	
3J-3. Car park design and access is safe	

and secure	requirements of the DCP 2008 as detailed elsewhere in this report.
3J-4. Visual and environmental impacts of underground car parking are minimised	
3J-5. Visual and environmental impacts of on-grade car parking are minimised	
3.J-6 Visual and environmental impacts of above ground enclosed car parking are minimised	
PART 4 DESIGNING THE BUILDING	
4A Solar and Daylight Access	
1. 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. 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	**Complies** 72% of the proposed apartments achieve a minimum of two hours solar access between 9am and 3pm in mid-winter. 9.8% of units receive no direct sunlight.
4A-2 Daylight access is maximised where sunlight is limited	**Complies** The site provides optimum solar access to apartments given the orientation of the site and its multiple street frontages. The BASIX Certificate for the proposed development identifies that it achieves the required thermal comfort levels. Proposed materials and finishes incorporate shading and glare control measures including external louvres and awnings.
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	
4B Natural Ventilation	
4B-1 All habitable rooms are naturally ventilated to create healthy indoor living environments.	**Complies** 65% apartments will receive natural cross ventilation. No apartment will exceed 18m in depth.
4B-2 The layout and design of single aspect apartments maximises natural ventilation	
4B-3 The number of apartments with natural cross ventilation is maximised 1. 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. 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	
4C Ceiling Heights	
4C-1 Ceiling height achieves sufficient natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	**Complies** All habitable and non-habitable rooms will have ceiling heights of exceeding 2.7m.

Minimum ceiling height for apartment and mixed use buildings Habitable Rooms 2.7m Non-Habitable 2.4m If located in mixed use areas 3.3m for ground and first floor	
4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.	
4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building.	
4D Apartment Size and Layout	
4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity 1. Apartments are required to have the following minimum internal areas: • Studio 35m² • 1 bedroom 50m² • 2 bedroom 70m² • 3 bedroom 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. 2. 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.	**Complies** As per the schedule in the architectural drawings, all apartments comply with the minimum internal areas. All habitable rooms have a window to an external wall with a total minimum glass area greater than 10% of the floor area of the room.
4D-2 Environmental performance of the apartment is maximised. 1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m. 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	**Complies** As the ceiling height for most floors is 2.8m, no habitable room depth will exceed 7m except for combined living and dining rooms which will not exceed the 8m depth requirement.
4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs 1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) 2. Bedrooms have a minimum dimension of	**Complies** All master bedrooms and other bedrooms achieve the required areas. All apartments achieve the minimum dimension requirements to living/dining rooms.

3m (excluding wardrobe space) 3. 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 4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	All cross-through apartments have widths greater than 4m.
4E Private Open Space and Balconies	
4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity 1. All apartments are required to have primary balconies as follows: Dwelling type Minimum Area Minimum Depth Studio 4m² 1 bedroom 8m² 2m 2 bedroom 10m² 2m 3+ bedroom 12m² 2.4m 2. 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 15m² and a minimum depth of 3m.	**Complies** All apartments comply with or exceed the minimum numeric requirements. Private open space is directly accessible from the living area of each dwelling and can be used in conjunction with these. The balconies are integrated into the overall design of the development and form part of the detail of the building All balconies include balustrades of a sufficient height to ensure safety is maintained.
4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents	
4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	
4E-4 Private open space and balcony design maximises safety	
4F Common circulation and spaces	
4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments. 1. The maximum number of apartments off a circulation core on a single level is eight. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	**Complies** No more than seven apartments are proposed of a circulation core on any single level. The proposal is only eight storeys in height. Common circulation spaces are provided.
4F-2 Common circulation spaces promote safety and provide for social interaction between residents	
4G Storage	
4G-1 Adequate, well designed storage is provided in each apartment.	**Complies** Caged storage spaces for residents will be provided

In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: **Dwelling Type** **Storage volume** Studio 4m³ 1 bedroom 6m³ 2 bedroom 8m³ 3+ bedroom 10m³ At least 50% of the required storage is to be located within the apartment	adjacent to the underground car spaces. Storage cupboards are also located in all apartments.
4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	
4H Acoustic Privacy	
4H-1 Noise transfer is minimised through the siting of buildings and building layout	**Complies** The layout and materials used in the apartments design will ensure that noise impacts will be minimised. The apartments have been configured so that quiet spaces (e.g. bedrooms) are co-located.
4H-2 Noise impacts are mitigated within apartments through layout and acoustic Treatments	
4J Noise Pollution	
4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	**Complies** Where appropriate, windows and door openings have been oriented away from noise sources.
4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	
4K Apartment Mix	
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	**Complies** One bedroom apartments represent 17.6% of the total number of apartments and three bedroom apartments represent 12.7% of the total number of apartments. The balance 69.6% of the apartments are two bedroom apartments. A mix of units have been distributed throughout the building.
4K-2 The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
4L-1 Street frontage activity is maximised where ground floor apartments are located	**Complies** Ground floor units have been provided with front courtyards and direct access to the street, as encouraged.
4L-2 Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
4M-1 Building facades provide visual interest along the street while respecting the character of the local area	**Complies** The articulation of balconies and walls adds visual interest and results in a quality design outcome consistent with other modern residential buildings in the locality.
4M-2 Building functions are expressed by the facade	
4N Roof Design	
4N-1 Roof treatments are integrated into the building design and positively respond to	**Complies** The proposed roof form is of a modern flat roof which

the street	will integrate with the style of other mixed use and residential flat buildings in the area. The proposal incorporates two communal roof top courtyards for use by the residents which will achieve good levels of solar access.
4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	
4N-3 Roof design incorporates sustainability features	
4O Landscape Design	
4O-1 Landscape design is viable and sustainable	**Complies** A comprehensive landscape plan has been provided for the communal open space at the ground floor and on the rooftop. Appropriate species have been selected for the environment.
4O-2 Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
4P-1 Appropriate soil profiles are provided	**Complies** As demonstrated in the landscape plan the species selected are appropriate for the soil depths and volumes.
4P-2 Plant growth is optimised with appropriate selection and maintenance	
4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	**Complies** 10% of units have been identified as being adaptable, in accordance with the requirements of the DCP 2008.
4Q-2 A variety of apartments with adaptable designs are provided	
4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	**Not Applicable** The development does not propose new additions or adaptations to an existing building.
4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	**Not Applicable** The development is for a residential flat building.
4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
4T-1 Awnings are well located and complement and integrate with the building design	**Complies** Awning have been provided above building entrances.
4T-2 Signage responds to the context and desired streetscape character	
4U Energy Efficiency	

4U-1 Development incorporates passive environmental design	**Complies** The proposal satisfies the thermal targets of BASIX. The majority of apartments are cross ventilated.
4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
4V-1 Potable water use is minimised	**Complies** Portable water use will be minimised where possible. The BASIX Certificate identifies that the proposed development achieves compliance with water efficiency requirements. Stormwater will be treated on-site prior to being discharged to Council's stormwater drainage system.
4V-2 Urban stormwater is treated on site before being discharged to receiving waters	
4V-3 Flood management systems are integrated into site design	
4W Waste Management	
4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	**Complies** A garbage storage area is located within basement and an adequate storage area is provided within the apartments to accommodate a day's waste.
4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	
4X Building Maintenance	
4X-1 Building design detail provides protection from weathering	**Complies** The proposal incorporates overhangs to protect walls and openings. Centralised maintenance, services and storage will be provided for communal open space areas within the building. The proposed external walls are constructed of robust and durable materials.

Given the above, it is considered that the development is consistent with the relevant provisions of SEPP 65 and the ADG.

It is noted that the application is also subject to the Design Excellence provisions contained in Clause 7.5 of LLEP 2008, which are discussed in detail later in this report.

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

The objectives of SEPP 55 are:

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

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated.

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

A Preliminary Contamination Assessment Report prepared by Martens Consulting Engineers, Ref. P1505008JR01V01, dated December 2015 has been provided in support of the proposed development. This report highlights a number of areas of environmental concern including stockpiles and site filling, as well as potential asbestos from residential dwellings, former sheds and hardstand areas. The report concludes the following:

> *"To address land contamination risks a detailed site investigation (DSI) is required to assess, identified areas of environmental concern. The DSI is also to include an intrusive soil sampling regime post demolition, under all dwelling and shed footprints (plus 1m curtilage) and areas of existing hardstand to determine any residual impacts from previous use. A walkover inspection of remaining site should be conducted following removal of refuse, buildings and hardstand to assess any potential residual impacts and to verify if additional fill has been placed."*

As per the recommendations of the above report, the applicant was requested to provide a Detailed Site Investigation further detailing any potential land contamination, having regard to the potential effects of any contaminants on public health, the environment and building structures and meeting the sampling density outlined in the NSW EPA Contaminated Sites Sampling Design Guidelines (1995). It was further advised that where the Stage 2 - Detailed Site Investigation indicates that the site poses unacceptable risks to human health or the environment, a Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced Contaminated Land Consultant in accordance with applicable guidelines made or approved by the NSW EPA under the Contaminated Land Management Act 1997 and submitted to Council.

As a result of Council's request for additional information outlined above, Council was contacted by the applicant's consultant who advised that further investigation is unable to be conducted in the areas of potential concern as demolition would need to occur before these areas can be accessed. Council's Environmental Health Section was advised of this and a site inspection was subsequently undertaken on Monday 11 April 2016 to observe the existing residential dwellings and hardstand areas. No obvious indicators of site contamination were identified during the site visit.

The contamination assessment provided states that the site has been used for residential purposes since at least 1955. This suggests that the risk of significant site contamination is low and that it may therefore be considered appropriate to grant consent with the requirement of further investigation after demolition has occurred. It is further noted that a large proportion of the site is to be excavated to facilitate the construction of the basement car park and any existing contamination is therefore likely be removed during excavation.

For the reasons outlined above, Council's Environmental Health Section are satisfied that the imposition of conditions of consent requiring further contamination investigations is appropriate under the circumstances.

Pursuant to Clause 7 of SEPP 55, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application (Clause 7).

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The preliminary assessment provided by the applicant has identified a number of potential contamination sources including asbestos, pesticides and heavy metals (paints, pest control etc) associated with the residential use of the land, stockpiles on Lot 3, the filling of a former swimming pool on Lot 1 and potential filling associated with the placement of hardstand across the site. Due to the known use of the land for residential purposes since at least 1955, it is considered that the potential for significant land contamination is low.
(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	It is considered appropriate to condition the preparation of a DSI once the existing structures on the site have been demolished and the existing hardstand has been removed. It is recommended that a condition of consent also be imposed on the development requiring the preparation and enactment of a Remedial Action Plan (RAP), should the DSI conclude that this is required.
(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.	As stated above, it is considered that the potential for significant land contamination is low due to the residential use of the land. Should the DSI conclude that a RAP is required, then a RAP is to be prepared and enacted.

Based on the above assessment, it is considered that the proposal can be made to satisfy the relevant objectives and provisions of SEPP 55 through the imposition of appropriate conditions of consent requiring the preparation of a DSI, and if required, a RAP.

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

The application is supported by a BASIX Certificate in accordance with the provisions of the SEPP which indicates that the required targets for water, thermal comfort and energy are met by the proposal.

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

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

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

Clause 8 General Principles	Comment
(a) the aims, objectives and planning principles of this plan	The proposed development is unlikely to compromise the aims and objectives of the

	GMREP.
(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 and drainage facilities to manage stormwater leaving the site. There will be minimal effect on downstream local government areas.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries	There will be negligible impacts on the Georges River from this development.
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 proposed development does not impact on any plans of management approved by the Minister.
(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 is not inconsistent with this strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice	The proposal is not inconsistent with these documents.
(g) whether there are any feasible alternatives to the development or other proposal concerned	The site is zoned for the proposed development.
Clause 9 Specific Principles	**Comment**
(1) Acid sulphate soils	The land is not identified as containing acid sulfate soils on LLEP 2008 Acid Sulfate Soil map.
(2) Bank disturbance	N/A
(3) Flooding	The site is not identified as flood prone land.
(4) Industrial discharges	N/A
(5) Land degradation	An erosion and sediment control plan has been submitted and aims to minimise erosion and sediment loss.
(6) On-site sewage management	N/A
(7) River-related uses	N/A
(8) Sewer overflows	N/A
(9) Urban/stormwater runoff	Stormwater to be discharged to Council's stormwater network.
(10) Urban development areas	N/A
(11) Vegetated buffer areas	N/A
(12) Water quality and river flows	Stormwater to be disposed to Council's stormwater network.
(13) Wetlands	N/A

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

State Environmental Planning Policy (State and Regional Development) 2011

One of the aims of State Environmental Planning Policy (State and Regional Development) 2011 is to confer functions on Planning Panels to determine development applications. The current application is referred to the Sydney South West Planning Panel (SSWPP) in accordance with the Policy having regard to the Capital Investment Value of the development exceeding $20 million.

Liverpool Local Environmental Plan 2008

As stated previously, the subject site is zoned R4 High Density Residential under the LLEP 2008. The proposed development is defined as a 'residential flat building' which is a permissible use with consent in the zone.

Zone Objectives

The objectives of the R4 High Density Residential zone are:

- *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 proposal is considered to be consistent with the objectives of the R4 zone in that the development provides for a mix of apartment types and sizes in an area earmarked for high density residential environment and the development provides for a high concentration of housing with good access to transport, services and facilities.

Principal Development Standards (Part 4 LLEP)

The following principal development standards are applicable to the proposal:

CLAUSE	REQUIRED	PROPOSED	COMPLIES
Clause 4.1 Minimum subdivision lot size	The size of any lot resulting from a subdivision of land is not to be less than 1,000m^2	No subdivision is proposed	N/A
Clause 4.3 Height of Buildings	35m	29.25m	Yes

CLAUSE	REQUIRED	PROPOSED	COMPLIES
Clause 4.4 Floor Space Ratio	3:1 (Clause 4.4(2B) provides for bonus floor space provisions for sites in the Liverpool city centre that have a site area exceeding 1,000m^2. As the site area is greater than 2,500sqm, the maximum permitted FSR is 3:1)	3:1	Yes

Miscellaneous Provisions (Part 5 LLEP 2008)

CLAUSE	COMMENTS	COMPLIES
5.9 - Preservation of trees	The site contains a number of trees which are proposed for removal to facilitate construction of the proposed building. The applicant has provided an Arboricultural Assessment and Impact Report which has been reviewed by Council's Landscape Assessment Officer who supports the proposed tree removal. It is noted that, where possible, trees have been proposed to be retained, including a small number of street trees within Council's reserve. Given that the street trees identified to be retained are not significant, a condition has been imposed requiring the removal of these trees and replacement with a uniform street tree species consistent with the Liverpool Street Tree and Paving Guidelines.	Yes
5.10 - Heritage conservation	The site is not a known archaeological site or Aboriginal place of heritage significance, or known to contain Aboriginal objects of heritage significance. The site is not listed as a heritage item and is not located within a conservation area, however, it is bound by the heritage listed road pattern in the Liverpool City Centre. It is considered that the proposed development, subject to the imposition of appropriate conditions of consent during construction, will have negligible impact on the heritage significance of the road network. It is further noted that the dwelling located at 13 Bigge Street, Liverpool (Item No. 75) is located approximately 75m from the site. The locally listed item is separated from the proposed development by a development of a similar height as that proposed and is also surrounded by either existing or proposed developments of a similar height and scale, consistent with the envisaged high density residential character of the locality. It is therefore considered that the proposed development will have minimal impact on the dwelling located at 13 Bigge Street.	Yes

Additional Local Provisions - Division 1 Liverpool City Centre provisions (Part 2 LLEP 2008)

Clause	Comments	Compliance
Clause 7.1 – Objectives for development in Liverpool City Centre	The proposed development is to be consistent with the objectives for redevelopment of the city centre.	Yes, see commentary below.
Clause 7.2 – Sun access in Liverpool City Centre	The site is not located within any of the areas identified in Column 1	N/A
Clause 7.3 – Car parking in Liverpool City Centre	The proposed development is located within the R4 zone. The provisions of this clause apply only to development in either the B3 or B4 zones.	N/A
Clause 7.4 – Building separation in Liverpool City Centre	The building has been designed to comply with the requirements of SEPP 65 and the Apartment Design Guide, which prevails to the extent of any inconsistency with this clause.	Yes
Clause 7.5 – Design excellence in Liverpool City Centre	Requirement to deliver the highest standard of architectural and urban design.	Yes, see commentary below.

Clause 7.1 – Objectives for Development in Liverpool City Centre

This Clause of the LLEP requires that the consent authority must be satisfied that the proposed development is consistent with the objectives for the redevelopment of the city centre.

The objectives are:

(a) to preserve the existing street layout and reinforce the street character through consistent building alignments,
(b) to allow sunlight to reach buildings and areas of high pedestrian activity,
(c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,
(d) to improve the quality of public spaces in the city centre,
(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,
(f) to enhance the natural river foreshore and places of heritage significance,
(g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.

With respect to these objectives, the following comments are offered:

- The development provides setbacks and building alignments consistent with the requirements of the DCP 2008.
- The residential units within the development will receive adequate solar access. The surrounding development will be impacted to an extent commensurate with the anticipated scale of development on the site.
- Extensive communal open space is provided at ground level as well as at roof top terrace allowing residents to have access to areas with good solar access.

- The site is not located adjacent to the Hume Highway. Pedestrian and vehicular traffic generated by the development are safely separated with vehicular access being provided from the rear serviceway.
- The development will have no impact on public spaces within the city centre.
- The development will have no direct impact on the physical area surrounding the Liverpool Railway Station.
- The site is within a 15 minute walk to Liverpool Railway Station and thus will provide residents good access to public transport.
- The development will have no direct physical relationship with the Georges River foreshore but is well located so as to provide direct convenient and safe pedestrian links to the commercial area of the city centre and to transport.

Clause 7.5 – Design Excellence in Liverpool City Centre

(1) The objective of this clause is to deliver the highest standard of architectural and urban design.

(2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.

(3) In considering whether development exhibits design excellence, the consent authority must have regard to the following matters:

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,

(c) whether the proposed development detrimentally impacts on view corridors,

(d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),

(e) any relevant requirements of applicable development control plans,

(f) how the proposed development addresses the following matters:

(i) the suitability of the site for development,

(ii) existing and proposed uses and use mix,

(iii) heritage issues and streetscape constraints,

(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

(v) bulk, massing and modulation of buildings,

(vi) street frontage heights,

(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

(viii) the achievement of the principles of ecologically sustainable development,

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

(x) the impact on, and any proposed improvements to, the public domain.

Comment

The design excellence provisions contained within the LLEP 2008 have the objective to deliver the highest standard of architectural and urban design in the Liverpool City Centre, and to this end, consent may not be given unless the consent authority considers that the development exhibits design excellence. The application was considered by the Design Excellence Panel on three separate occasions, as detailed earlier in the report. It is considered that the final design has addressed the relevant matters raised by the Panel and that the proposal can therefore be taken to exhibit design excellence.

The Panel noted the significant bulk of the building and recommended measures that may be incorporated into the design of the building to reduce its apparent bulk and scale. This has been achieved through a reduction in the proposed FSR, increased building setbacks, and the incorporation of a variety of colours and materials.

The development is considered to be appropriate for the site, does not overshadow any areas of public open space, and is generally consistent with the relevant provisions of the DCP 2008 which relate to building design, siting and streetscape impacts.

The application does not require an architectural design competition as the site is not identified as a 'key site' in Council's LEP.

Additional local provisions – Division 2 Other Provisions (Part 7 LLEP 2008)

Clause	Comments	Compliance
Clause 7.6 – Environmentally Significant Land	The site is not environmentally significant land.	N/A
Clause 7.7 – Acid Sulfate Soils	The site does not contain acid sulfate soils.	N/A
Clause 7.8 – Flood Planning	The site is not identified as being flood prone.	N/A
Clause 7.14 – Minimum building street frontage	One street frontage must be at least 24 metres. The site has frontages of approximately 59.6m to Goulburn Street and 48.195m to Lachlan Street	Yes
Clause 7.17 – Development in flight paths	Development in the Bankstown Airport flight path.	Yes, see commentary
Clause 7.31 – Earthworks	No earthworks proposed other than those ancillary to the development being excavation for the proposed basement	N/A

Clause 7.17 – Development in flight paths

The development site is affected by the obstacle limit height for Bankstown Airport. This height limit is required to:

(1) (a) to provide for the effective and on-going operation of airports, and

(b) to ensure that any such operation is not compromised by proposed development in the flight path of an airport.

Clause 7.17 of the LEP states that:

(2) Development consent must not be granted to erect a building on land in the flight path of Bankstown Airport if the proposed height of the building would exceed the obstacle height limit determined by the relevant Commonwealth body.

The obstacle height limit applying to the site is between 90m and 95m AHD and is shown in Figure 12 below. As the maximum height of the building is RL 48.95 AHD, there is no intrusion into the obstacle height limit.

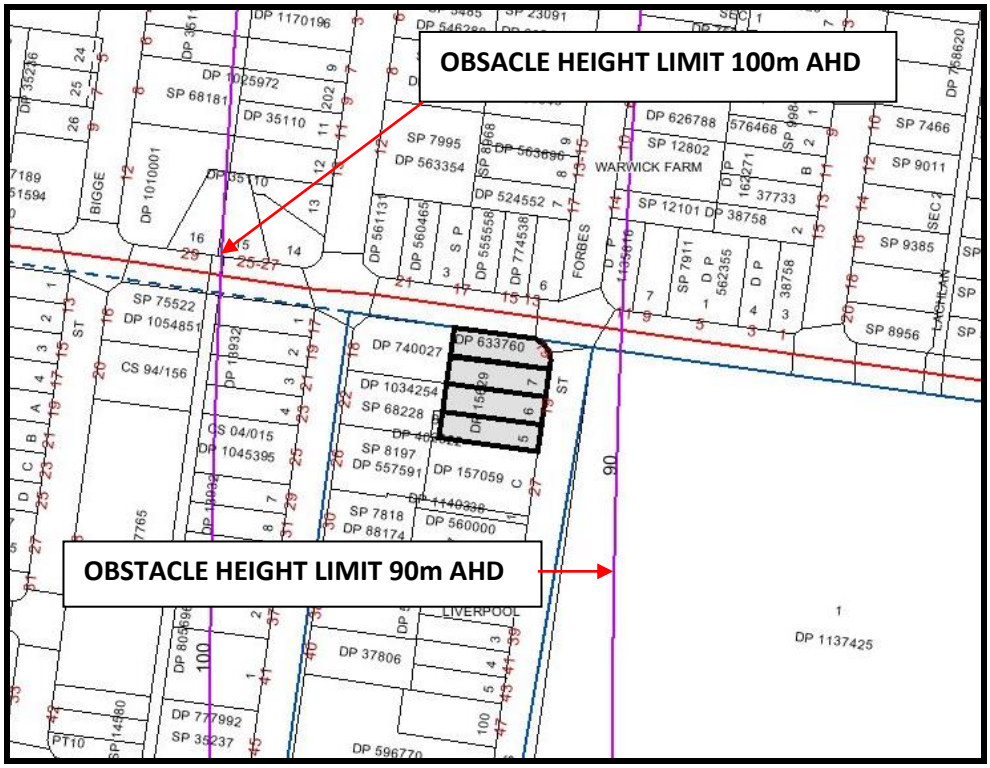

Figure 14: Obstacle Height Limit map

The proposed development is considered satisfactory in respect to Clause 7.17 of the LLEP 2008.

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

Proposed LLEP Amendment 52 applies to the Liverpool City Centre, however does not apply to this site. The site will remain zoned R4.

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

Part 1 - General Controls for all Development and Part 4 - Development in The Liverpool City Centre of the DCP 2008 apply to the proposed development and prescribe standards and criteria relevant to the proposal.

The following compliance table outlines compliance with these controls.

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
CONTROLS	**PROVIDED**	**COMPLIES**
2. TREE PRESERVATION	The site contains a number of trees which are proposed for removal to facilitate construction of the proposed building. The applicant has provided an Arboricultural Assessment and Impact Report which have been reviewed by Council's Landscape Assessment Officer who supports the proposed tree removal. It is noted that where possible, trees have been proposed to be retained, including a small number of street trees within Council's reserve. These trees are not considered to be significant and as such, in accordance with the recommendation of the Landscape Assessment Officer, a condition has been imposed requiring the removal of these trees and replacement with street tree species in accordance with the Liverpool Street Tree and Paving Guidelines.	Yes
3. LANDSCAPING	A Landscape Plan has been prepared for the site. Where possible, trees have been proposed to be retained on the site and incorporated into the landscape design.	Yes
4. BUSHLAND AND FAUNA HABITAT PRESERVATION	The site does not contain bushland or is adjacent to bushland.	N/A
5. BUSHFIRE RISK	The site is not identified on Council's bushfire prone land maps as being bushfire prone.	N/A
6. WATER CYCLE MANAGEMENT	Stormwater plans have been submitted and approved by Council's Engineering Department.	Yes
7. DEVELOPMENT NEAR CREEKS AND RIVERS	The development site is not near a creek or river.	N/A
8. EROSION AND SEDIMENT CONTROL	An erosion and sediment control plan has been submitted and approved by Council's Engineering Department.	Yes
9. FLOODING RISK	The site is not identified as flood affected	N/A
10. CONTAMINATION LAND RISK	An assessment of the proposal has been undertaken against the relevant provisions of SEPP 55 and provided elsewhere in this report. It is recommended that further contamination investigations are required as a condition of consent.	Can be made to comply

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
11. SALINITY RISK	The site is identified as having moderate salinity potential on the Salinity Potential in Western Sydney map produced by the Department of Planning. A detailed salinity assessment had not been undertaken. An advisory note has been added to the conditions of consent drawing the applicant's attention to salinity potential.	Yes
12. ACID SULFATE SOILS RISK	The site is not identified as containing acid sulfate soils	N/A
13. WEEDS	A condition of consent has been imposed requiring the removal of any noxious weeds which may be present on the site.	N/A
14. DEMOLITION OF EXISTING DEVELOPMENT	The existing building on the site is proposed to be demolished as part of this development application. A Waste Management Plan has been submitted and appropriate conditions imposed.	Yes
15. ON-SITE SEWERAGE DISPOSAL	The proposal does not propose any such facilities.	N/A
16. ABORIGINAL ARCHAEOLOGY	There is no known indigenous or non-indigenous heritage or archaeological sites.	N/A
17. HERITAGE AND ARCHAEOLGICAL SITES	The site is not identified as containing a heritage or archaeological site.	N/A
18. NOTIFICATION OF APPLICATIONS	This section stipulates that the application does not require notification or advertising.	Yes
20. CAR PARKING & ACCESS	Car parking has been provided in accordance with the requirements of Part 4 of the DCP 2008 as outlined below. The proposed car parking has been reviewed by Council's Traffic Engineer who raised no objections.	Yes
22. WATER CONSERVATION	A BASIX certificate has been provided.	Yes
23. ENERGY CONSERVATION	A BASIX certificate has been provided.	Yes
25. WASTE DISPOSAL AND RE-USE FACILITIES	A waste management plan has been provided and is considered satisfactory.	Yes
26.OUTDOOR ADVERTISING	No advertising structures are proposed as part of the subject application.	N/A
27 SOCIAL IMPACT ASSESSMENT	A comprehensive Social Impact Assessment (SIA) has been provided which concludes that the proposal will generate general positive social outcomes by increasing the supply and diversity of housing in the Liverpool area. The SIA has been reviewed by Council's Social Planner who has supported the proposal, subject to conditions.	Yes

Part 4 Liverpool Development Control Plan – Development in Liverpool City Centre

Controls for Building Form

CONTROLS	COMMENT	COMPLIES
Part 2.1 – Building Form		
Street building alignment and street setbacks are to comply with Figure 3.	Figure 3 requires a 4 - 4.5m landscaped building setback to both Goulburn Street and Lachlan Street. The building is generally setback greater than 4.5m. Balconies encroach into the minimum setback by approx. 600mm in accordance with this section.	Yes
The external facades of buildings are to be aligned with the streets that they front.	The external facades of the buildings are aligned with the buildings frontages to Goulburn Street, Lachlan Street and the rear service lane.	Yes
The street frontage height of buildings must comply with the minimum and maximum heights above mean ground level on the street front as shown in Figure 5.	Figure 5 requires a street frontage height (SFH) of 15-25m (5-7 storeys). The proposal provides a SFH of 24m across 8 levels, before stepping back for the uppermost level. Despite the additional storey at the street front, the proposal is considered to comply as the height control is met and therefore the underlying objective is satisfied.	Yes
The maximum floor plate sizes and depth of buildings are specified and illustrated in Figure 6 and Table 1.	Maximum GFA per floor 500sqm Max. GFA above 25m 20% Building depth (excluding balconies) 18m The upper level above 25m has a max depth of 16m and GFA of 241sqm (less than 500sqm and 20% of total GFA).	Yes
Boundary Setbacks	The proposal provides setbacks greater than those required under this section. The proposal complies with the building separation provisions of the ADG as discussed elsewhere in this report.	Yes
Part 2.3 – Site Cover and Deep Soil Zones		
Maximum site coverage 50%	The proposal occupies 47% of the site.	Yes
Deep soil zone no less than 15% of site area	Deep soil zone provided 7.6% which is greater than the 7% required by the ADG.	N/A
Part 2.4 – Landscape Design		
Landscaping plan to be provided for all landscaped areas.	Comprehensive landscape plan has been submitted.	Yes
Part 2.5 – Planting on Structures		
Any planting on structures shall provide for appropriate irrigation, soil depth and volume and drainage	Comprehensive landscape plan has been submitted detailing compliance.	Yes

3. Amenity

CONTROLS	COMMENT	COMPLIES
Part 3.1 – Pedestrian Permeability		
Through site linkages	Site is not identified in Figure 11 or Figure 12 of DCP to be required to provide through site links.	N/A
Part 3.2 – Active Street Frontages		
Active street fronts are required on ground level.	The site is not identified by the relevant Figure 11 as requiring an active street frontage.	N/A
Active street frontages to be in the form of non-residential uses on ground level.	As above.	N/A
Residential developments are to provide a clear street address and direct pedestrian access off the primary street front, and allow for residents to overlook all surrounding streets.	Clear entrance to residential apartments is provided from each of the buildings frontages. In addition, where possible ground floor units have been provided with direct 'front door' access.	Yes
Residential buildings are to provide not less than 65% of the lot width as street address.	Greater than 65% of the building is designed to address the street.	Yes
Part 3.3 – Front fences		
Front fences are to be designed in accordance with Figures 14 and 15, and must not present a solid edge to the public domain greater than 1.3m above the footpath/public domain level	No front fencing is proposed. However, in order to provide security to the ground floor apartments facing the street and control access to and from the ground floor communal open space, it is recommended that a condition be imposed.	Yes
Part 3.4 – Safety and Security		
Safer by design principles to be incorporated into development	The principles of CPTED have been considered throughout the design and assessment of the proposal. Further, appropriate conditions of consent have been imposed recommending further consideration of CPTED in the preparation of the CC documentation.	Yes
Part 3.5 – Awnings		
All residential buildings are to be provided with awnings or other weather protection at their main entrance area.	Weather protection of the main entrances has been provided.	Yes
Part 3.6 – Vehicle footpath crossings		
One vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.	Vehicular access is from a single driveway accessed via the rear service lane.	Yes

Part 3.7 – Pedestrian Overpasses and Underpasses		
Overpasses are discouraged	No pedestrian overpasses are proposed.	Yes
Part 3.8 – Building exteriors		
Building design	The proposed facades are well articulated with a mixture of vertical and horizontal features, including windows, projecting walls and balconies, framed elements and fixed timber louvres. The proposed façade is considered a quality design outcome comparable with other modern RFB developments in the northern portion of the Liverpool City Centre.	Yes
Part 3.9 – Corner Treatments		
Building control treatments	The building addresses the corner of Lachlan Street and Goulburn Street through the use of distinguishing architectural features and an appropriate street frontage height.	Complies
Part 3.10 – Public Artworks		
Major developments in the Liverpool City Centre (i.e. over 5,000sqm in floor space) are required to prepare a Public Art Plan as part of their development proposal.	No public art is proposed. It is considered that a holistic approach to public art is more appropriate in the Liverpool City Centre. As a consequence of the development, payment of a developer contribution pursuant to Section 94A will be payable by the developer which may be attributed to public art in the future, should Council deem this to be appropriate.	Considered acceptable

4. Traffic and Access

CONTROLS	COMMENT	COMPLIES
Part 4 .1 – 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.	Main building entry Goulburn Street is enhanced as required.	Yes
The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended).	Facilities comply with relevant Australia Standards	Yes
Part 4 .1 – Pedestrian Access and Mobility		
Barrier free access is to be provided to not less than 20% of dwellings in each development and associated common areas.	All dwellings are accessible through the use of lifts to each floor and basement and podium	Yes

The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	The development provides for this	Yes
The development must provide accessible internal access, linking to public streets and building entry points.	Internal access is accessible through the use of ramps and lifts	Yes
Part 4 .2 – Vehicle 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.	The car parking area will be serviced via a driveway/ramp that will be accessible from Goulburn Serviceway and not via a primary street. It is considered that the proposed vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site.	Yes
Vehicle access is to be integrated into the building design so as to be visually recessive.	Vehicular access has been integrated into building design	Yes
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.	All vehicles can enter and exit the site in a forwards manner.	Yes
Driveway widths must comply with the relevant Australian Standards.	Complies	Yes
Car space dimensions must comply with Australian Standard 2890.1.	Complies	Yes
Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).	Complies with applicable Australian standards	Yes
Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.	Complies	Yes

Part 4 .3 – On-site Parking		
Car parking to be provided in accordance with the DCP parking provisions	The car parking requirements are as follows: 1 bed = 18 spaces 2 bed = 71 spaces 3 bed = 19.5 spaces Visitor = 10.2 spaces Service = 2.6 spaces Total = 121 spaces The proposal includes the provision of 128 car parking spaces. 7 motorcycle spaces and space for 43 bicycles is also provided, in accordance with the requirements of this section.	Yes
Car parking above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future.	No parking is provided at ground level.	N/A
Onsite parking must meet the relevant Australian Standard (AS 2890.1 2004) – Parking Facilities or as amended.	Complies	Yes
Required parking for service and delivery vehicles must be provided on site unless Council is satisfied that adequate dedicated on street "loading zone" space(s) are available in the vicinity.	On-site service and delivery parking has been provided.	Yes
Onsite parking is to be accommodated in basement parking, except to the extent provided below; - Up to 25% of the required parking can be provided above ground where it is fully integrated into the building design in accordance with Figure 23 without counting towards gross floor area. - Any parking above the 25% will count towards gross floor area for the purposes of calculating Floor Space Ratio. - Exposed but screened natural parking ventilation may be permitted fronting onto the nominated sections of service lanes as illustrated in Figure 24	2 levels of basement car parking have been provided.	Yes

5. Environmental Management

CONTROLS	COMMENT	COMPLIES
Part 5.1 – Energy Efficiency and Conservation		
New dwellings, including dwellings within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). A complying BASIX report is to be submitted with all development applications containing residential activities.	Complies. A BASIX certificate has been provided confirming the environmental performance of the development.	Yes
Part 5.2 – Water Conservation		
New dwellings, including a residential component within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Complies. A BASIX certificate has been provided confirming the environmental performance of the development.	Yes
Part 5.3 – Reflectivity		
Reflectivity shall not exceed 20%. A reflectivity report may be required.	A reflectivity report has not been provided, however, a condition of consent has been imposed to limit the reflectivity of glazing in accordance with this requirement.	Yes
Part 5.4 – Wind mitigation		
A wind effects report is required for all buildings greater that 35m.	A Wind Effects Report is not required as the building is less than 35m in height.	N/A
Part 5.5 – Noise		
An acoustic report is required for all noise affected locations as identified in Figure 25.	The site is not identified as a noise affected location. Despite this, the applicant has provided an Acoustic Assessment which concludes that appropriate internal noise levels are achieved. The assessment has been reviewed by Council's Environmental Health Section who have raised no objection to the proposal.	Yes
Part 5.7 – Floodplain and Water Cycle Management		
Flood liable land	The site is not identified as being flood affected	N/A
Part 5.8 – Sewage Treatment Plant		
Development within 400m of the Schrivener Street Sewage Treatment Plant needs to be referred to Sydney Water for assessment.	The site is located greater than 400m from the sewer treatment plant	Yes

6. Controls for Residential Development

CONTROLS	COMMENT	COMPLIES
Part 6.1 – Housing Choice and 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, 10% of all dwellings 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 visitability is achieved.	The apartment mix proposed is: 18 x 1 bed, 71x 2 bed and 13 x 3 bed. One bedroom apartments represent 17.6% of the total number of apartments Three bedroom apartments represent 12.7% of the total number of apartments 10% of dwellings are adaptable.	Yes

Given the assessment above, the proposal is considered to be consistent with the key controls outlined in the LDCP 2008.

Liverpool Contributions Plan

The subject site is within the boundary of the Liverpool Contributions Plan 2007 (Liverpool City Centre) under which the applicable contribution payable is 2% of the development cost. The Contribution required is **$582,636.**

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

There are no Planning Agreements that affect the subject site.

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

Relevant provisions of the Environmental Planning and Assessment Regulation 2000 have been considered.

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

The site is not within a coastal Zone.

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

(a) Natural and Built Environment

The proposed development is unlikely to have an adverse impact on the natural environment, as the site is located within an established high density residential area.

The built form is appropriate to the site in terms of alignment and proportion. The proposed residential building has been designed in a manner that is not obtrusive to adjoining properties, and complements the character of the street in terms of architectural style, design and materials.

Overall, it is considered that the proposal is unlikely to generate any unreasonable impacts on the surrounding natural or built environments.

(b) Social Impacts and Economic Impacts

The proposed development will have a positive social and economic impact in the area through investment and employment generation during construction. The proposal will also generate a positive social impact by increasing housing choice in the locality.

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

The land is zoned for high density residential development as being proposed. The proposed development is in keeping with the objectives of the zone and is compatible with both the existing and envisaged future character of the northern part of the Liverpool City Centre.

There are no significant natural or environmental constraints that would hinder the proposed development, and accordingly the site is considered suitable for the proposed development.

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	No objection, subject to conditions.
Landscaping	Planner may wish to consider the merits of retaining the existing small street trees (as advised in the arborist report) against planting afresh with a uniform species in accordance with Liverpool CBD Street Tree and Paving Guidelines. **Comment:** A condition has been imposed requiring that the existing street trees be removed and street tree planting be undertaken in accordance with Council's guidelines.
Environmental Health	Conditions are to be imposed requiring the preparation of a Stage 2- Detailed Site Investigation following demolition of the existing dwellings on the site. Where it is identified that remediation is required to make the site suitable for its proposed use, a Remedial Action Plan (RAP) shall be prepared and enacted

	Comment: Appropriate conditions of consent have been applied in accordance with this recommendation.
Land Development Engineering	No objection, subject to conditions.
Heritage	Three of the four residences on site are good examples of Interwar fibro cottages and if they were located in a Conservation Area, would be assessed as contributory elements. A condition of consent is to be imposed requiring a photographic archival recording be made of the three fibro cement houses located on Goulburn Street to the south of the house on the corner of Goulburn and Lachlan Streets, including their exteriors and their setting as a group on Goulburn Street. **Comment:** A condition of consent has been imposed in accordance with the recommendation.
Community Planning	Ensure appropriate safety and security measures are implemented in accordance with CPTED principles including adequate lighting in the serviceway, secure entry/exits and mailboxes. **Comment:** Appropriate conditions of consent have been imposed to address these concerns. Reconsider the open space courtyard in the centre of the site to include more natural light and open air, as well as consideration of an indoor common area. **Comment:** The proposal has been amended since these comments were received and solar access to the internal courtyard has been improved. It is acknowledged that a substantial proportion of the courtyard is over shadowed in mid-winter however, and the rooftop communal open space to ensure that an area with adequate solar access has been provided. That a minimum of 20% of the whole development is made available as affordable housing for a period of at least 10 years, in accordance with the SEPP (ARH) 2009. **Comment:** It is not appropriate to condition such a requirement under the current legislative framework in NSW. The SEPP (ARH) 2009 is intended to incentivise the provision of affordable rental housing through such things as floor space bonuses, it is not the intent of the instrument that the provision of affordable housing be imposed on a development where the applicant has not sought to benefit from these incentives. That a 50:50 profit share of uplift in value of any additional density approved go toward public works to benefit residents, workers and visitors of the city centre. **Comment:** Such an approach may have been appropriate were a variation to maximum permitted FSR for the site been sought. It is noted that this was the case for the subject development application at the time this referral was received, however, the proposed FSR has since been reduced and is now compliant with the LLEP 2008.

Traffic Engineering	No objection, subject to conditions.
Design Excellence Panel	Recommended modifications be made to the proposal. The applicant has made these changes and these are considered satisfactory.

(b) External Referrals

No external referrals were required to be undertaken.

(c) Community Consultation

Pursuant to the notification requirements outlined in the LDCP 2008, the application was not required to be advertised or notified. Subsequently, no submissions were received.

6.10 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.

Given the assessment undertaken, the proposal is considered to be in the public interest and therefore is recommended for approval subject to conditions of consent.

7 CONCLUSION

In conclusion, the following is noted:

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

- The Development Application seeks development consent for a residential flat building at 17 – 23 Goulburn Street, Liverpool.

- The proposal is permissible with consent within the R4 High Density Residential zone under the LLEP 2008, for which the site is zoned, and is consistent with the objectives of the R4 zone.

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

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

- The proposed development will have impacts (both positive and negative) on the surrounding area, but those impacts are largely anticipated by the zoning of the site and

surrounding areas. The development is in accordance with the zones objectives and the desired future character of the area.

Given the above, the proposed development is considered to be satisfactory and is recommended for approval, subject to conditions.

8 ATTACHMENTS

8.1 Recommended conditions of consent

8.2 Architectural Plans

8.3 Landscape Plan

8.7 Design Review Panel (DEP) Comments

8.8 Applicant's Response to DEP Comments

8.9 Statement of Environmental Effects

8.10 Acoustic Report

8.11 Traffic and Parking Report

8.12 Stormwater Management Plan

8.13 Stormwater Concept Drawings

8.14 Preliminary Site Investigation

8.15 Arboricultural Assessment and Impact Report

8.16 Social Impact Assessment