

# JOINT REGIONAL PLANNING PANEL (Sydney West)

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2016SYW093
<b>DA Number</b>	DA-970/2015
<b>LGA</b>	Liverpool City Council
<b>Proposed Development</b>	Construction of a 4-storey residential flat building above basement car park containing 23 residential apartments (14x1 bedroom and 9x2 bedroom)
<b>Street Address</b>	LOT 100 DP 1214405 188-190 Moore Street, Liverpool NSW 2170
<b>Applicant/Owner</b>	NSW Land and Housing Corporation
<b>Number of Submissions</b>	Nil
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	Crown development with a Capital Investment Value (CIV) of more than \$5 million (\$6,896,045).
<b>List of all relevant s79C(1)(a) matters</b>	<p><i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i></p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.</li> <li>• State Environmental Planning Policy No.55 – Remediation of Land.</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011.</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</li> <li>• State Environmental Planning Policy (Infrastructure) 2007.</li> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.</li> <li>• State Environmental Planning Policy (Affordable Rental Housing ) 2009</li> </ul> <p><i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i></p> <ul style="list-style-type: none"> <li>• No draft Environmental Planning Instruments apply to the site.</li> </ul> <p><i>List any relevant development control plan: s79C(1)(a)(iii)</i></p> <ul style="list-style-type: none"> <li>• Liverpool Local Environmental Plan 2008</li> <li>•           Part 1 – General Controls for all Development.</li> <li>•           Part 3.7 – Residential Flat Buildings</li> </ul>

	<p><i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i></p> <ul style="list-style-type: none"> <li>No planning agreement relates to the site or proposed development.</li> </ul> <p><i>List any coastal zone management plan: s79C(1)(a)(v)</i></p> <ul style="list-style-type: none"> <li>The subject site is not within any coastal zone management plan.</li> </ul> <p><i>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</i></p> <ul style="list-style-type: none"> <li>Consideration of the provisions of the Building Code of Australia.</li> </ul>
<b>Is a Clause 4.6 variation request required?</b>	No
<b>Does the DA require Special Infrastructure Contributions conditions (S94EF)?</b>	The proposal is not subject to a Special Infrastructure Contributions (SIC) condition
<b>Have draft conditions been provided to the applicant for comment? Have any comments been considered by council in the assessment report?</b>	Yes, draft conditions have been provided to the applicant with comments received being integrated into the consent conditions.
<b>List all documents submitted with this report for the Panel's consideration</b>	<p><b>Architectural</b></p> <ol style="list-style-type: none"> <li>Cover Sheet, BGGMV, A000, Rev J</li> <li>3D Views BGGMV, A001, Rev G,</li> <li>Site Plan - Analysis Demolition, BGGMV, A021, Rev E</li> <li>Blocking Analysis, BGGMV, A022, Rev C</li> <li>Site Plan, BGGMV, A100, Rev K</li> <li>General Arrangement Plan – Basement, BGGMV, A201, Rev D</li> <li>General Arrangement Plan - Ground Floor, BGGMV, A202, Rev D</li> <li>General Arrangement Plan - Level 1-3 Typical Floor, BGGMV, A203, Rev C</li> <li>Dimension Plan – Basement, BGGMV, A261, Rev E</li> <li>Dimension Plan - Ground Floor, BGGMV, A262, Rev G</li> <li>Dimension Plan - Level 1, BGGMV, A263, Rev E</li> <li>Dimension Plan - Level 2, BGGMV, A264, Rev C</li> <li>Dimension Plan - Level 3, BGGMV, A265, Rev C</li> <li>Roof Plan, BGGMV, A280, Rev D</li> <li>Building Elevations, BGGMV, A401, Rev H</li> <li>Building Elevations, BGGMV, A402, Rev H</li> <li>Building Sections 1, BGGMV, A501, Rev B</li> </ol>

	18. Building Sections 2, BGGMV, A502, Rev B 19. Shadow Diagrams, BGGMV, A900, Rev G 20. External & Internal Material Finishes, BGGMV, A920, Rev F <b>Civil</b> 1. Sediment and Erosion Control Plan & Details, BGGMV, C03, Rev C <b>Landscape</b> 1. Landscape Plan, BGGMV, L01, Rev E 2. Planting Plan, BGGMV, L02, Rev E <b>Reports</b> Traffic Report, Rev 2 SEPP 65 Design Quality Principles / ADG Response SEE BASIX Certificate Contamination Report Remediation Action Plan Waste Management Plan ADG Compliance Table (assessment table) Written advice from the applicant that they agree with all recommended conditions from Council
<b>Recommendation</b>	Approval (Subject to Conditions)
<b>Report prepared by</b>	Marcus Jennejohn, Senior Development Planner
<b>Report date</b>	29 September 2016

## 1. EXECUTIVE SUMMARY

This application seeks consent for the construction of a 4-storey residential flat building containing 23 residential apartments (14x1 bedroom and 9x2 bedroom) above basement carpark at 188-190 Moore Street, Liverpool. The proposal provides affordable rental housing and has been made under State Environmental Planning Policy (Affordable Rental Housing) 2009.

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 West Joint Regional Planning Panel is the determining body as the development has been lodged by the Crown (NSW Land and Housing Corporation) with a Capital Investment Value (CIV) of over \$5million, pursuant to Clause 5 of Schedule 4A of the Environmental Planning and Assessment Act 1979. The CIV is \$6,896,045.

The proposed development generally complies with the applicable planning instruments and controls relevant to the development, except variations relating to setbacks, landscaping and deep soil zone. The proposed departures as considered acceptable and have been satisfactorily justified by the applicant as demonstrated in the body of the report.

The development application was notified for a period of 14 days between 9 May 2016 and 23 May 2016 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received during the notification period.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&A Act) 1979. Based on the assessment of the application and in consideration of the requests to vary departure from LDCP 2008, it is recommended that the application be approved subject to the imposition of conditions.

## **2. SITE DESCRIPTION AND LOCALITY**

### **2.1 The site**

The subject site is identified as Lot 100 in DP 1214405 and is known as 188-190 Moore Street, Liverpool. The site is regular in shape with a total area of 1376m<sup>2</sup> and a lot width of 30.48m. The site is comprised of two allotments; the western allotment contains a single storey detached dwelling and the eastern allotment is vacant. However, it is noted that these structures have been demolished pursuant to separate approval. The site slopes from the north-west (19.69m) to the south-east (18.55m) and is located south of the Liverpool General Cemetery.



**Figure 1: Aerial photograph of the Site**



## 2.1 The locality

The subject site is located within an established area with a mix of single detached dwellings and multi-dwelling housing developments on rectangular lots. Liverpool City Centre and rail station are located approximately 1.5km to the east of the subject site.

There is a DA lodged for the site immediately to the east (DA-120/2016). The proposal for the adjoining lot is for a residential flat building of 4 storeys with two levels of basement carpark (12 car spaces).



Figure 2: View of 188 Moore Street – all structures on site have been demolished.



Figure 3: View of 190 Moore Street

## **2.2 Site affectations**

### **2.2.1 Heritage**

The subject site is not listed as an item of local or state heritage significance. It is in the vicinity of the Liverpool General Cemetery which is an item of local heritage significance and listed in Schedule 5 of the Liverpool LEP 2008 as item 47.

## **3. BACKGROUND**

### **3.1 Issues Identified in Initial Assessment**

The initial assessment of the proposal at Pre-DA meetings held in 2014 (August and October) by the Design Excellence Panel (DEP) identified several elements which would improve the built form and aesthetics of the proposal. These pre-DA comments were addressed by the applicant and the revised proposal was subsequently reviewed by the DEP as part of the development assessment process.

### **3.2 Design Excellence Panel Briefing**

The application was considered by the DEP on 19 May 2016. The Panel made the following comments in respect of the proposal:

- *The two driveways are not acceptable and the panel recommends that the building is re-designed to have one driveway.*
- *The panel said that it is preferable to have the one driveway on the western side of the site so that the pedestrian entry and lift lobby is enhanced. The driveway may need a passing bay in addition to the width of the ramp. The panel supports a narrow ramp width. A mirror and/ or traffic lights may be required. These matters are to be resolved with the applicant to the satisfaction of the traffic engineers.*
- *To screen the cemetery opposite and improve the streetscape of Moore Street, consider planting 4 street trees. Two on the development side of the street and one on the opposite side of the street.*
- *The resolution of the architecture is considered to be of a very high standard and the panel is supportive of the scheme. The panel said that the detailing and construction needs to be developed so that the potential that is inherent in the DA plans comes to fruition.*

The DEP recommended a floor-to-floor height of 3050m. This enables a floor-to-ceiling height of 2.7m in the ADG to be easily achieved. The proposal achieves the minimum floor-to-ceiling height of 2.7m. The DEP panel did not require the application to be reviewed by the Panel again as it is satisfied with the proposal.

### **3.4 JRPP Briefing**

A JRPP Briefing was held 15 June 2016. The panel was made aware of existing issues raised by the DEP in their review of the proposal. The panel requested that access to public transportation be addressed in the assessment of the application.

#### **4. DETAILS OF THE PROPOSAL**

The development application seeks consent for the construction of a 4-storey residential flat building comprising a total of 23 residential units. Details of the proposal can be summarised as follows:

##### **Building Design**

- The removal of three trees located on the site. These trees have been removed pursuant to separate application.
- Demolition of existing structures. Have been demolished pursuant to separate application.
- The construction of a four storey residential flat building comprising 14 x one bedroom units and 9 x two-bedroom units.
- The construction of a single driveway off Moore Street. A separate entry driveway and a separate exit driveway were previously proposed. The driveways have been amended to a single driveway in response to suggestions of the DEP.
- The construction of stairs, a lift and concrete pathways.
- The provision 1 x 3000 litre rainwater tank.
- A variety of landscape plantings of varying size throughout the site.

##### **Vehicular and Pedestrian Access**

- Vehicular access, as amended, is provided from Moore Street via a 5.5m wide driveway at the entrance which narrows to 3m at the basement entry point;
- Pedestrian access is provided via a separate public pathway located on the eastern side of the development site with additional access to the bin storage area and basement car park available from the western side of the site.

##### **Parking Provisions**

- Car parking for a total of 21 spaces is provided within the basement level, including two accessible spaces.

##### **Floor Layouts**

- Basement: The development provides one basement level with the provision of 21 car parking spaces including storage cabinets.
- Ground Floor: Contains 3 x 2 bedroom units and 2 x 1 bedroom units with access from the lobby area. Private courtyards are provided for each unit.
- First Floor: Contains: 2 x 2 bedroom units and 4 x 1 bedroom units.
- Second Floor: 2 x 2 bedroom units and 4 x 1 bedroom units.
- Third Floor: 2 x 2 bedroom units and 4 x 1 bedroom units.

##### **Landscaping**

- A variety of landscape plantings of varying size throughout the site.

## Site Servicing Facilities

- A garbage and recycling storage area has been provided at ground level. Waste management will be determined following discussions with Council's Sustainable Environment Department, should the application be granted consent. This requirement has been imposed by way of recommended conditions of consent.
- A small area for services is provided on the ground floor.

## Stormwater Drainage

- A concept stormwater plan has been submitted with the application and is found to be satisfactory by Council's Engineering Department, subject to conditions.

Perspective drawings of the proposed development, as seen from Moore Street.



**Figure 4: Perspective views of the proposal**

## 5. STATUTORY CONSIDERATIONS

### 5.1 Relevant matters for consideration

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

#### Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- State Environmental Planning Policy (Affordable Rental Housing ) 2009; and
- Liverpool Local Environmental Plan 2008.



## Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

## Other Plans and Policies

- Apartment Design Guide.

## Development Control Plans

- *Liverpool Development Control Plan 2008*
  - Part 1 – Controls applying to all development
  - Part 3.7 – Residential Flat Buildings in the R4 zone.

## Contributions Plans

- Liverpool Contributions Plan 2009 (Established Areas) applies to the site

## 5.2 Zoning

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

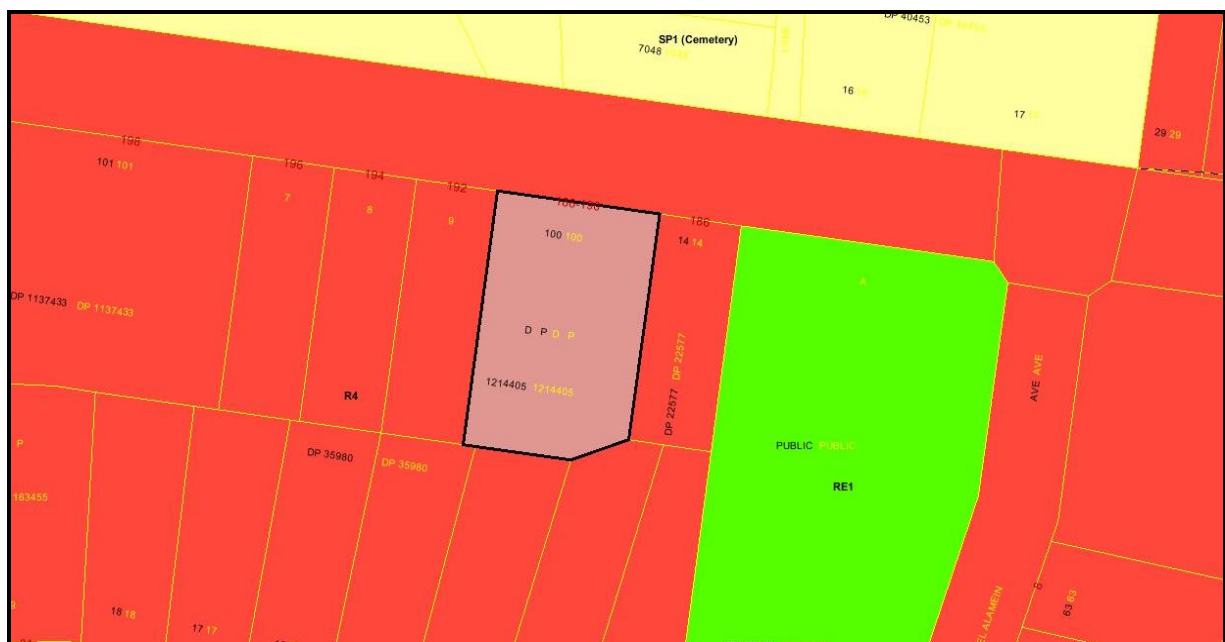


Figure 5: Zoning of the site (Source: Evview 2016)

The proposed development is defined as a residential flat building (**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing), which is permissible with consent within the R4 High Density Residential zone.

## **6. ASSESSMENT**

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

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

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

The proposal seeks to construct a 4 storey residential flat building of more than 4 apartments and therefore provisions of SEPP 65 apply to the proposal.

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 publication Apartment Design Guidelines.

The application is accompanied by a detailed SEPP 65 Assessment prepared by DWP Suters Architects. Included is a written response to the Design Quality Principles contained in SEPP 65 and a Compliance Table in relation to the provisions of the Apartment Design Guide. These are attached to this report.

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.

The application is also subject to the Design Excellence provisions contained in Clause 7.5 of LLEP 2008, which is discussed in this report.

#### **ADG Building Separation with 186 Moore Street future RFB**

The adjoining site to the east at 186 Moore Street, Liverpool is subject to an RFB proposal currently before Council. The proposed 3 storey RFB shares a common boundary on its western side with the subject proposal (refer to Figures 6-8 for details). The adjoining proposal includes a private open space proposed at ground level which is considered unnecessary and should be deleted. With deletion of this balcony the ground floor dwelling would still be able to achieve compliance with ADG and LDCP 2008 private open space controls but importantly, would resolve any amenity issues between these two proposals. The private open space in question is a secondary POS and is not necessary and should be deleted.

The arrangement of the adjoining development's 1<sup>st</sup> and 2<sup>nd</sup> floors provides habitable rooms at the north and south ends of the western elevation, this layout supports adequate building separation as this aligns with the narrower portions of the subject proposal's built form. Overlooking to and from the adjoining site will be reduced by the arrangement of balconies at 186 Moore Street which are proposed along the eastern façade facing Alamein Park. It is also noted that the ground floor unit has windows off a kitchen and bedroom facing the subject site that are only 3m from its western boundary. As such these should be deleted/reduced.

It is considered that the proposed development has been designed with sufficient regard to the development potential of the eastern adjoining site and the manner in which the development has been conceived would allow the eastern adjoining site to be similarly re-developed. In doing so, the cruciform building of the proposal and the built form and arrangements of the eastern adjoining proposal are unlikely to create any unsatisfactory amenity issues in terms of visual/acoustic privacy and overshadowing problems. Accordingly, the building separation proposed by the proposal is considered acceptable.

Similarly, the proposal's built form is unlikely to prejudice the western adjoining site's development potential for an RFB. The following table outlines the spatial separation provided between the proposal and the proposed development for the eastern adjoining site in accordance with SEPP 65 and ADG.

ADG Separation Distances Up to four storeys – measured from outer face of building/balconies	Building	186 Moore Street – distance to western boundary	188 Moore St (subject site) – distance to eastern boundary	Total building separation	Complies
12m between habitable rooms/balconies.		3m (excluding ground floor balcony)	7m (ground floor) 3.1m – 7.9m (other floors)	Ranges from 6m – 11m	Complies on merit, given that there is acceptable amenity impact in terms of visual/acoustic privacy and overshadowing.

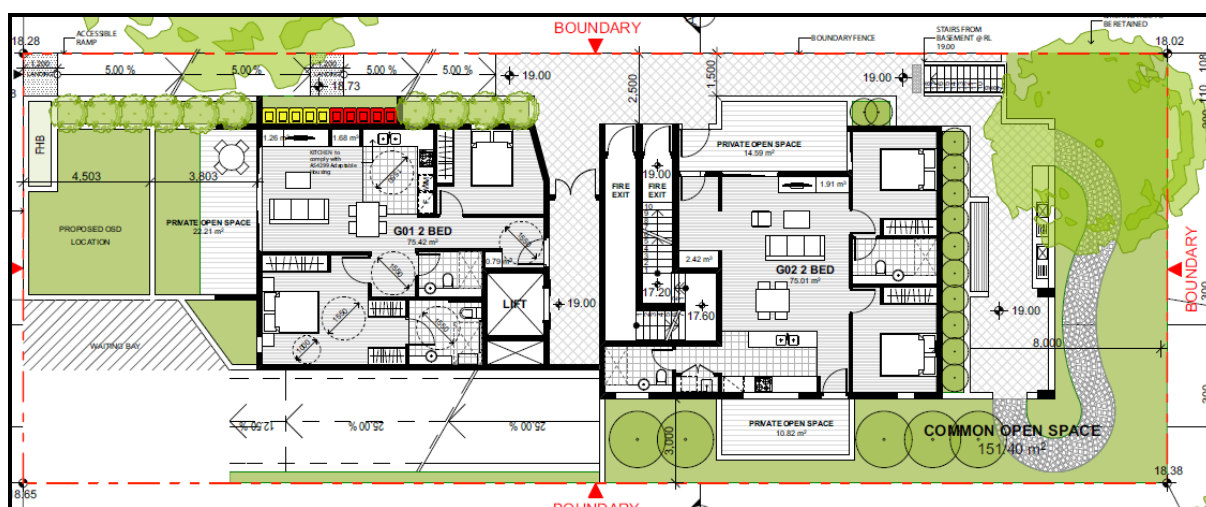


Figure 6: 186 Moore Street ground floor plan (proposal RFB to the east)

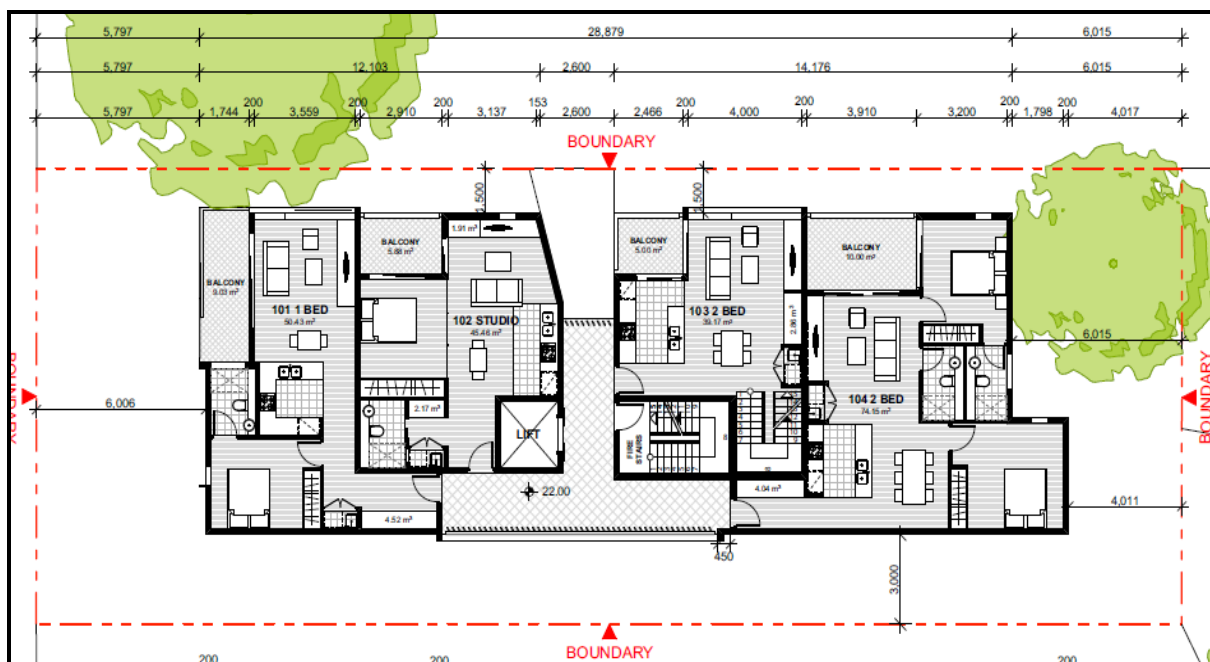


Figure 7: 186 Moore Street 2<sup>nd</sup> floor plan (proposal RFB to the east)

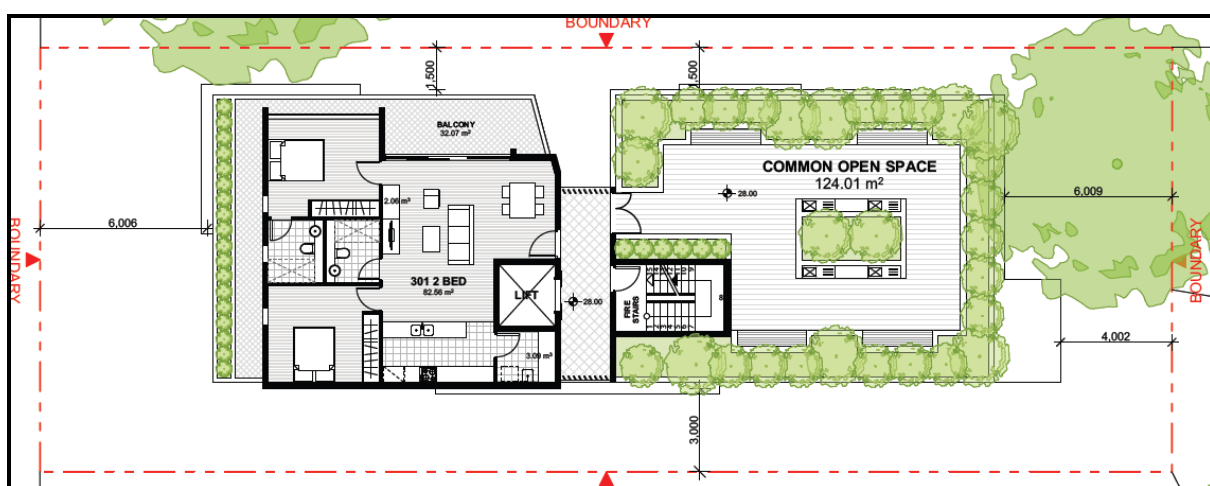


Figure 8: 186 Moore Street top floor plan (proposal RFB to the east)

### 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.



#### Comments from Council's Environmental Health Section:

The Preliminary Site Investigation Report prepared by SMEC Testing Services dated October 2015 identified potential asbestos and lead contamination at the site associated with demolition and weathering of existing / former building on the land. The Environmental Health Section provided comments on 3 February 2016 which requested that the applicant submits a Stage 2 Detailed Site Investigation to determine if there has been any asbestos and lead impacts at the site.

According to STS Geo Environmental, asbestos fibres were detected at two locations in near surface soils. A Remedial Action Plan by GeoEnvironmental ( Report No: 16/0735) dated April 2016 detailed remedial strategies with respect to the preferred order of remedial options outlined in the ANZECC Guidelines, which are endorsed by the NSW EPA. According to the STS GeoEnvironmental, further excavation may be necessary should the results of the initial validation sampling indicate presence of asbestos. Final step will include bulk excavation of the remnant soils on the site to a depth of 3 meters below ground level.

A validation program will be implemented to confirm suitability of the site for the proposed residential development. The validation program will involve soil sampling from the walls and base of the excavated areas of previously asbestos impacted sites. Final inspection of the site will be undertaken to confirm that no residual fill material remains on the site. Upon completion of the bulk excavation, a final validation report will be prepared by qualified and experienced environmental consultants and submitted to Liverpool City Council for review.

Based on the above it can be considered that the proposal will satisfy Clause 7 subject to conditions of consent and that the subject site will be suitable after remediation to accommodate residential accommodation.

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

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

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

The proposal does not trigger any SEPP Infrastructure provisions.

#### **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(b)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(a) the aims, objectives and planning principles of this plan	Stormwater concept plan reviewed by Council's Engineers.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas	A Stormwater concept plan submitted and reviewed by Council's development engineers.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
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 proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning)	Not required to be referred.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice	There are no feasible alternatives.
(g) whether there are any feasible alternatives to the development or other proposal concerned	Planning principles are to be applied when a consent authority determines a development application.
Clause 9 Specific Principles	Comment
(1) Acid sulphate soils	The land is not identified as containing acid sulphate soils on LLEP 2008 Acid Sulphate Soil mapping.
(2) Bank disturbance	No bank disturbance.
(3) Flooding	The site is not identified by Council's mapping systems as flood affected land.
(4) Industrial discharges	There will be no industrial discharges.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and

	sediment loss required prior to CC
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater Concept Plan submitted.
(10) Urban development areas	Not in an urban development area.
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	Erosion and sediment control to be implemented in construction.
(13) Wetlands	Not applicable.

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

#### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

The proposal has been lodged as an affordable housing development pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Housing SEPP). An assessment against the relevant provisions of the SEPP is detailed below.

PROVISION	PROPOSAL	COMMENT
<b>10. Development to which Division applies</b>  Land must be in an accessible area and meet one of the following:  800 metres walking distance of a public entrance to a railway station  400 metres walking distance of light rail station  400 metres walking distance of a bus stop used by a regular bus service – at least one bus per hour 6am-9pm Monday-Friday and 8am-6pm Saturday & Sunday.	<p>The subject site is within an 'accessible area', as defined in the SEPP, as it is within 400m of a bus stop with bus services that meet the frequency requirement.</p> <p>The site is located approximately 180m from bus stops Stop ID: 2170523 and 2170519 on Moore Street which are served by bus routes 853 and 854 operated by Interline Bus Service. These bus services provide travel between Carnes Hill and Liverpool centres and are considered regular bus services.</p>	Complies

<b>13 Floor space Ratio</b>  <b>Policy applies when affordable housing is at least 50%</b>  That allowed under LLEP (1.0:1) plus 0.5:1 — if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher.  FSR $1.0 + .5 = 1.5:1$  FSR permissible = 1.5:1	All units proposed as affordable housing units         Proposed: 1.47:1	Complies
<b>14 Standards</b>  Site area – 450m <sup>2</sup>	Site area – 1375m <sup>2</sup>	Complies
Landscape (i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or  (ii) in any other case—at least 30 per cent of the site area is to be landscaped  35m <sup>2</sup> x 23 units =  805m <sup>2</sup> required	The proposal includes a total landscaped area of 282m <sup>2</sup> which is equivalent to 20.5% of the site area.	Does not Comply, see comments below
Deep soil – 15% site	The proposed development includes a total deep soil zone of 179m <sup>2</sup> , which is equivalent to 13% of the site area.	Does not Comply, see comments below
Solar access – living rooms and POS for 70% dwellings receive 3 hours sunlight	74% of the dwellings of the development will receive more than 3 hours of direct sunlight between 9am and 3pm in mid-winter to Living Areas (All units except G Units 4 and 5, L1 Units 4 and 5 and L2 Units 4 and 5).  82% of the dwellings of the development will receive more than 3 hours of direct sunlight between 9am and 3pm in mid-winter to Private Open Space (All units except G Unit 5, L1 Unit 4 and 5 and L2 Units 5). (see submitted shadow diagrams)	Complies
Parking - by a social housing provider for development on land in an accessible area—at	The proposed development is being undertaken by NSW Land & Housing Corporation (LAHC) (a social housing provider) and includes a total of 21 car	Complies



<p>least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or (requires 29 spaces)</p> <p>14 x 0.4 = 5.4 9 x 0.5 = 4.5 = 10 car parking spaces required</p>	spaces for 23 dwellings.	
<p>Dwelling size</p> <p>1 bedroom dwelling min 50m<sup>2</sup></p> <p>2 bedroom dwelling min 70m<sup>2</sup></p>	<p>1 bedroom unit sizes &gt; 51sqm.</p> <p>2 bedroom units sizes &gt; 70sqm</p>	Complies
<p><b>15 Design Requirements</b></p> <p>Consider provisions of <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i></p>	Not applicable, as SEPP 65 applies to the development.	N/A
<p><b>16A Character of local area</b></p> <p>Consent authority to take into consideration whether design of development is compatible with the character of the local area</p>	The proposed development is considered to be compatible with the desired future character of the local area. The area is in transition from older style low density dwellings on a single lot to contemporary multiunit housing developments. The site is zoned R4 High Density with Residential Flat Buildings permissible in the zone, with a maximum height limit of 15m. The four storey RFB proposes a high quality design which will integrate with the surrounding development and is compatible with the transforming character of the local area.	Complies
<p><b>17 Must be used for affordable housing for 10 years</b></p>	This requirement is not applicable to development on land owned by LAHC.	N/A
<p><b>18 Subdivision</b></p> <p>Land on which development has been carried out under this Division may be subdivided with the consent of the consent</p>	No subdivision is proposed as part of this application.	N/A

authority.		
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### **Comments on Landscaping and Deep Soil variations**

The proposed development complies with the development standards prescribed in Clause 14 of ARH SEPP, except for requirements relating to landscaping and deep soil zone, which are discussed below:

The landscaped area provision requires landscaping to be provided at a rate of 35sqm per dwelling (805sqm). The proposal provides 282sqm (20.5%) of soft landscaped area. This does not satisfy the non-refusable standard required, however the proposal includes a usable common open space lawn which integrates into paved common areas on both the east and west sides of the building. Additionally a seating area is proposed adjacent to the ground floor lobby. These hard stand areas, combined with paths on the east and west sides, add an additional 250sqm of common open space area. Therefore, the proposal provides a total of 532m<sup>2</sup> of soft and hard landscaped area on site – 38.7% of the site as landscaped area.

The landscape requirements of the ARH SEPP are considered more pertinent to multi dwelling housing developments than residential flat buildings, given that they are more stringent than that those set out in the Apartment Design Guide, which are specifically designed to guide residential flat buildings. The Apartment Design Guide requires 25% of the site to be allocated as landscape area. In this case, in excess of 38.7% of the site is dedicated to common landscape area. Therefore, it is considered to be acceptable and would add to the amenity of residents.

The proposal provides 179sqm (13%) of deep soil zone within the site where the control requires 15% of the site – a shortfall of 27m<sup>2</sup>. The proposed basement car park restricts the availability to provide deep soil areas however the proposal includes canopy trees and landscaping within the deep soil zones. The variation is unlikely to have a significant impact to deep soil zone landscape planting or infiltration of stormwater.

In addition, it is to be noted that the proposed deep soil zone exceeds the minimum required deep soil zone of 7% required for residential flat buildings as stipulated in the ADG. On the basis of the above, the proposed deep soil zone for the development is considered to be acceptable under the circumstances.

### **Liverpool Local Environmental Plan 2008**

As stated previously, the subject site is zoned R4 High Density Residential under Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposed development is defined as a residential flat building which is permissible within the R4 High Density Residential zoning.

A residential flat building is defined as a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

## **Zone Objectives**

The objectives of the zoned 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 satisfy the above objectives of the R4 zone in that:

- It will provide for housing needs within a high density residential environment. It is noted that while the immediate development within the vicinity of the site consists low density residential development, the area has been zoned as High Density Residential and it is therefore envisioned that redevelopment of the area will result in the establishment of other residential flat buildings within close vicinity of the subject site.
- It will contain a number of different sized units, thereby providing a variety of housings types within a high density residential environment.
- It will not hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents.
- The site is within close proximity to transport facilities which include the Liverpool Transit Way.
- The proposal will provide high density residential development that will not result in the fragmentation of land that would otherwise hinder the opportunity for other high density residential development within the area.

## **Principal Development Standards**

The following principal development standards are applicable to the proposal:

<b>CLAUSE</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
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 <sup>2</sup>	No Subdivision proposed	N/A
Clause 4.3 Height of Buildings	15 metres	14.15 metres	Yes

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
Clause 4.4 Floor Space Ratio	<p>1:1</p> <p>However the proposal falls under the provisions of Clause 13(2)(a)(i) of Affordable Rental Housing SEPP, which provides for a floor space ratio bonus of 0.5:1.</p> <p>The resultant allowable FSR is 1:5:1</p>	1.47:1	Yes

#### Miscellaneous Provisions (Part 5 LLEP 2008)

CLAUSE	COMMENTS	PROPOSED	COMPLIANCE
Clause 5.9 Preservation of trees or vegetation	Trees/ shrubs do not exceed the height, canopy spread or trunk diameter as nominated in the LDCP nor are they natives on the Threatened Species Conservation Act 1995.	<p>N/A</p> <p>Three trees are proposed for removal.</p> <p>The removal of existing trees will be compensated through new landscape planting including four trees that will reach a mature height of at least 6m.</p>	Yes
Clause 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 however it is opposite the heritage listed Liverpool General Cemetery.	The proposal development would not encroach into the physical or visual curtilage of the cemetery and is unlikely to have a negative impact on the heritage value of the cemetery.	Yes

#### 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 flood prone	N/A
Clause 7.14 – Minimum building street frontage	One street frontage must be at least 24 metres	Yes, 30.48m
Clause 7.31 – Earthworks	No earthworks proposed other than those ancillary to the development being excavation for the proposed basement	N/A

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

There are currently no draft planning instruments that would be applicable to the proposal.

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

Part 1 - General Controls for all Development and Part 3.7 – Residential Flat Buildings in the R4 zone apply to the proposed development and prescribe standards and criteria relevant to the proposal are discussed below.

The following compliance table outlines compliance with these controls.

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
CONTROLS	PROVIDED	COMPLIES
2. TREE PRESERVATION	The removal of trees on the site will be subject to obtaining a tree removal permit under Council's Tree Preservation Order. The existing trees on site have been removed pursuant to separate approval process.	Yes
3. LANDSCAPING	The application is accompanied by Landscape Plans that detail the proposed site landscaping.	Yes
4. BUSHLAND AND FAUNA HABITAT PRESERVATION	The site does not contain any significant flora or fauna habitats and is not located within or near to urban bushland.	Yes
5. BUSHFIRE RISK	The site is not identified on Council's bushfire 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

**PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT**

10. CONTAMINATION LAND RISK	A contamination assessment has been provided and detailed in this report. The proposal is supported by Council's Environmental Health Officer's subject to conditions of consent.	Yes
11. SALINITY RISK	The site is not identified as salinity affected.	Yes
12. ACID SULFATE SOILS RISK	The site is not identified as containing acid sulfate soils	N/A
13. WEEDS	The site is not identified as containing noxious weeds	N/A
14. DEMOLITION OF EXISTING DEVELOPMENT	Demolition does not form part of the proposal, demolition of existing structures will be covered by a CDC lodged with Council. A Waste Management Plan has been submitted and appropriate conditions imposed.	N/A
15. ON-SITE SEWERAGE DISPOSAL	Connection to Sydney Water Sewer	N/A
16. ABORIGINAL ARCHAEOLOGY	There is no known indigenous or non-indigenous heritage or archaeological sites.	N/A
17. HERITAGE AND ARCHAEOLOGICAL SITES	The site is not identified as containing a heritage or archaeological site.	N/A
18. NOTIFICATION OF APPLICATIONS	The proposal was placed on public exhibition and no submissions received.	Yes
20. CAR PARKING & ACCESS	Car parking provision is in accordance with the ARH SEPP requirements for a site in an accessible area.	N/A
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 accompanies the application and details the waste management practices to be adopted, including the ongoing collection, storage, recycling and disposal of waste.	Yes
26. OUTDOOR ADVERTISING	No advertising structures are proposed as part of the subject application.	N/A

## PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT

<p><b>27 SOCIAL IMPACT ASSESSMENT</b></p> <p>The DCP requires a Social Impact Comment for Residential Apartment Buildings comprising more than 20 units.</p>	<p>A social impact initial assessment was provided by the applicant, reviewed and considered satisfactory by Council's Community Planning Section.</p>	<p>Yes</p>
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## PART 3.7 – RESIDENTIAL FLAT BUILDINGS

CONTROL	REQUIRED	PROPOSED	COMPLIES
<b>Frontage and Site Area</b>			
Minimum Lot Width	The minimum lot width 24m.	30.48m	Yes
<b>Site Planning</b>			
Site Planning	1. The building should relate to the site's topography with minimal earthworks, except for basement car parking.	The site slopes to the rear with minor cut (90mm) and fill (approximately 1m) required. Basement car parking is proposed.	Yes
	2. Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design.	The building is orientated with a north-east aspect that provides for good solar access, with 74% of units achieving solar access to living areas and 82% to private open space. Private open space areas are accessible from living areas. The building meets its targets for BASIX commitments and has a NatHERS star rating range from 4.5 – 8 Stars (Average 6.4)	Yes
	3. Site layout should provide safe pedestrian, cycle, and vehicle access to and from the street.	The site is proposed with a single entry and exit driveway, via Moore Street,	Yes

		which enables vehicles to enter and exit in a forward direction.	
	4. Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials, and visual amenity.	The proposed building bulk and scale is larger than existing adjoining dwellings. The building is proposed with a minimum 5.5m front setback. The design is contemporary, using a mix of building elements and design features to create a positive visual impact on the street scape.	Yes
	5. Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system.	This aspect has been reviewed by Council's technical officers, who have recommended approval subject to conditions.	Yes
	Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate.	As demonstrated within this report, the development demonstrates compliance with SEPP 65.	Yes
	6. The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.		



4. Setbacks			
Front	Front setback 5.5m	5.5m	Yes
Side and Rear Setbacks	<p>Side in R4 zone:</p> <ul style="list-style-type: none"> <li>First 10m in height = 3m</li> <li>Greater than 10m in height = 8m</li> </ul> <p>Rear in R4 zone:</p> <ul style="list-style-type: none"> <li>First 10m in height = 8m</li> <li>Greater than 10m in height = 8m</li> </ul> <p>Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.</p>	<p>3m 3m</p> <p>8m 8m</p>	<p>Yes No, see comments below</p> <p>Yes Yes</p>
5. Landscaped Area and Private Open Space			
Landscaped Area (deep soil area)	<p>1. A minimum of 25% of the site area shall be landscaped area.</p> <p>2. A minimum of 50% of the front setback area shall be landscaped area.</p> <p>3. Optimise the provision of consolidated landscaped area within a site by:</p> <ul style="list-style-type: none"> <li>The design of basement and sub-basement car parking, so as not to fully cover the site.</li> <li>The use of front and side setbacks.</li> <li>Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.</li> </ul>	<p>282sqm (20.5%) of the site is proposed as landscaped area and 179sqm (13%) is provided as deep soil zone.</p> <p>22% of the front setback is proposed as landscaped area. Basement parking is proposed.</p> <p>The proposal complies with front and side setbacks for the ground floor.</p> <p>Landscaped area to rear is contiguous with adjoining lots landscaped areas.</p> <p>Landscape species have been selected for their durability and low water tolerance.</p>	<p>No, see comments below</p> <p>No, see comments below</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	4. Promote landscape health by supporting for a rich variety of vegetation type and size.		Yes
Private Open Space	<p>1. POS provided for each dwelling in accordance with the following:</p> <p>Small &gt; 65sqm = 10sqm +2m minimum dimension.</p> <p>Medium 65 – 100sqm = 12sqm + 2m minimum dimension.</p> <p>2. Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.</p> <p>3. Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.</p>	<p>Units L1 3, L2 3, L2 6, L3 3, L3 6 do not comply. Units L1 2, L2 2, L3 2, L3 4 do not comply.</p> <p>POS provided as both courtyards and balconies.</p> <p>POS is accessible through adjoining living areas.</p>	<p>No, Provided in accordance with LAHC Design Guidelines.</p> <p>No, Provided in accordance with LAHC Design Guidelines.</p> <p>Yes</p> <p>Yes</p>
Drying Areas	<p>Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit.</p> <p>Clothes drying areas should not be visible from a public place and should have solar access.</p>	Clothes drying facilities, at least 5m of line, provided for each dwelling within balconies or POS, screened from view from the street frontage.	Yes
<b>6. Building Design, Streetscape and Layout</b>			
Building Height	LEP control = 15m	The proposal is for 14.15m maximum building height.	Yes
Building Appearance and Streetscape	<p>1. Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, and should consider the Residential Flat Design Code.</p> <p>Objectives of the controls are as follows: a) To ensure an attractive</p>	<p>This is addressed above.</p> <p>The composition of building elements, materials, textures and colours will</p>	<p>NA</p> <p>Yes</p>

	<p>streetscape that is consistent with the environment of residential flat buildings.</p> <p>b) To promote high architectural quality in residential flat buildings.</p> <p>c) To ensure that new developments have facades which define and enhance the public domain and desired street character.</p> <p>d) To ensure that building elements are integrated into the overall building form and facade design.</p>	<p>complement the existing and likely future character of the area in terms of height, bulk, scale, built form and roof design. The proposed buildings are highly articulated and designed to suit the site and address the streetscape.</p>	
Roof Design	<p>1. Relate roof design to the desired built form. This may include:</p> <ul style="list-style-type: none"> <li>- Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms.</li> <li>- Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas.</li> <li>- Minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line.</li> <li>- Using special roof features, which relate to the desired character of an area, to express important corners.</li> </ul>	<p>The proposed roof has a pitch of 3 degrees, and is broken up into sections which minimises mass. Roof features and Level 3 articulation fit with the R4 High Density zoning of the site.</p>	Yes
Building Entry	<p>1. Improve the presentation of the development to the street by:</p> <ul style="list-style-type: none"> <li>- Locating entries so that they relate to the existing street and subdivision pattern, street tree planting, and pedestrian access network.</li> <li>- Designing the entry as a clearly identifiable element of the building in the street.</li> <li>- Utilising multiple entries-main</li> </ul>	<p>The primary building entry is located on the eastern elevation, accessible via a pedestrian pathway from the street frontage.</p> <p>The entry is clearly identifiable, with entry awning, pedestrian pathway and letter boxes providing a sense of address.</p> <p>Multiple entries are provided with access</p>	Yes

	<p>entry plus private ground floor dwelling entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street.</p> <p>4. Ensure equal access for all.</p> <p>5. Provide safe and secure access by:</p> <ul style="list-style-type: none"> <li>- Avoiding ambiguous and publicly accessible small spaces in entry areas.</li> <li>- Providing a clear line of sight between one circulation space and the next.</li> <li>- Providing sheltered well-lit and highly visible spaces to enter the building, meet, and collect mail.</li> </ul> <p>8. Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by:</p>	<p>to ground floor Units 1 and 2 available from the street frontage.</p> <p>The building is accessible to people with a disability, and complies with AS1428.1.</p> <p>Entry lobby provides safe access to ground floor and upper level units. Line of site is available between circulation spaces.</p> <p>Covered pedestrian accessway and entry lobby provide visible spaces to enter the building, meet, and collect mail.</p> <p>Letter boxes are provided at the street frontage, positioned obliquely to the street to avoid visual clutter.</p>	
Balconies	<p>1. Balconies may project up to 1m from the façade of a building.</p> <p>4. Design balustrades to allow views and casual surveillance of the street.</p> <p>5. Balustrades on balconies at lower levels shall be of solid construction.</p>	<p>Balconies project up to 500mm from building façade.</p> <p>Open metal slat balcony balustrades are proposed.</p> <p>Ground floor units are proposed with brick and transparent</p>	Yes

	<p>10. Primary balconies should be:</p> <ul style="list-style-type: none"> <li>- Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space;</li> <li>- Sufficiently large and well proportioned to be functional and promote indoor/outdoor living.</li> </ul> <p>13. Provide primary balconies for all dwellings with a minimum depth of 2m.</p>	<p>wall panels for passive surveillance.</p> <p>Balconies will be accessible from living areas.</p> <p>Balcony area and dimensions are provided in accordance with LAHC Design Guidelines.</p> <p>Balconies proposed with minimum dimension at least 2m depth.</p>	
Daylight Access	<p>1. Plan the site so that new residential flat development is oriented to optimise northern aspect.</p> <p>2. Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.</p> <p>3. Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows.</p>	<p>The proposal has been designed to optimise access to sunlight.</p> <p>The proposal is for at least 60% of dwellings with living areas and balconies orientated to the north. 74% of living rooms and 82% of POS receive at least 3 hours of solar access mid-winter.</p>	Yes
Internal design	<p>1. All staircases should be internal.</p> <p>3. Basement car parking shall be located beneath the building footprint.</p> <p>5. Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings.</p>	<p>Internal fire stairs is proposed.</p> <p>Basement car parking is proposed beneath the building footprint.</p> <p>Privacy screens to windows and balconies mitigate overlooking on to adjacent dwellings.</p>	Yes
Ground Floor Dwellings	<p>1. Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants.</p>	<p>Landscaped front setbacks are proposed, in addition to enclosed POS areas fronting the</p>	Yes

	<p>This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings.</p> <p>2. Create more pedestrian activity along the street and articulate the street edge by:</p> <ul style="list-style-type: none"> <li>- Balancing privacy requirements and pedestrian accessibility.</li> <li>- Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape.</li> <li>- Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings.</li> <li>- Increasing street surveillance with doors and windows facing onto the street.</li> </ul> <p>3. Planting along the terrace edge contributes to a quality streetscape.</p> <p>5. Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</p> <p>6. Provide ground floor dwellings with access to private open</p>	<p>street. Individual separate entries are available to ground floor units.</p> <p>Pedestrian access available from Moore Street.</p> <p>POS areas are located in front setbacks suitably enclosed with fencing and transparent wall panels for privacy and passive surveillance.</p> <p>FFL of courtyards fronting Moore Street are stepped up approximately 400mm from the street.</p> <p>Windows, balconies and habitable rooms face the street frontage for passive surveillance.</p> <p>Planter boxes for landscape plantings are proposed within the street setback area.</p> <p>All dwellings are designed to LAHC Liveable standards. Eight dwellings are designed to accessible/disabled standard. Four ground floor units have separate access at ground floor.</p> <p>All ground floor units have an outside</p>	
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	space, preferably as a courtyard.	courtyard POS area.	
Security	1. Entrances to buildings should be orientated towards the front of the site and facing the street.	Entrances to ground floor dwellings face the street frontage.	Yes
Natural Ventilation	1. Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include: - Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example, cross through dwellings and corner dwellings. - Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette dwellings and two-storey dwellings.	Cross ventilation achievable with multiple opening windows and doors to each dwelling.	Yes
Building Layout	The layout of dwellings within a residential flat building should minimise the extent of common walls.	Common walls minimised where appropriate.	Yes
Storage Areas	1. A secure storage space is to be provided for each dwelling with a minimum volume 8 m <sup>3</sup> (minimum dimension 1m <sup>2</sup> ). This must be set aside exclusively for storage as part of the basement or garage.	Over bonnet storage space is provided for each dwelling within the basement car park.	Yes
7. Landscaping and Fencing			
Landscaping	1. The setback areas are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within front and rear setback areas.  2. Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance.  3. The landscaping shall contain an appropriate mix of canopy trees, shrubs, and groundcovers. Avoid medium height shrubs (600 – 1800mm) especially along	Four trees that can reach a mature height of 6m are proposed in the rear setback and 2 trees reaching a mature height of 5m are proposed in front of the site with 2 additional trees to be planted across the road (will also be conditioned). A mix of native and exotic species is proposed.  A mix of ground	No, supported on merit  Yes  Yes

	<p>paths and close to windows and doors.</p> <p>7. The development must be designed around significant vegetation on the site.</p> <p>8. It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.</p> <p>11. All species of trees and shrubs should be drought resistant.</p>	<p>covers, grasses, shrubs, and trees are proposed.</p> <p>All trees are to remain, except for three trees which are proposed to be removed to accommodate the development.</p> <p>Compensatory plantings are proposed to replace trees to be removed.</p> <p>Landscape plantings have been selected for their drought tolerance.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Planting on Structures	<p>1. Design for optimum conditions for plant growth by:</p> <ul style="list-style-type: none"> <li>- Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established.</li> <li>- Providing appropriate soil conditions and irrigation methods.</li> <li>- Providing appropriate drainage.</li> </ul> <p>- Design planters to support the appropriate soil depth and plant selection by:</p> <ul style="list-style-type: none"> <li>- Ensuring planter proportions accommodate the largest volume of soil possible. Minimum soil depths will vary depending on the size of the plant.</li> </ul> <p>However, soil depths greater than 1.5 m are unlikely to have any benefits for tree growth.</p> <ul style="list-style-type: none"> <li>- Providing square or rectangular planting areas rather than long narrow linear areas.</li> </ul>	<p>Landscape planting to be undertaken in accordance with the specification on the Landscape Plans.</p>	<p>Yes</p>
Fencing	<p>Primary Frontage</p> <p>1. The maximum height of a front fence is 1.2m.</p>	<p>Front boundary fencing is not proposed. POS</p>	<p>Yes</p>



	<p>2. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.</p> <p>3. Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.</p> <p>4. The front fence must be 30% transparent.</p> <p>Boundary Fences</p> <p>9. The maximum height of side boundary fencing within the setback to the street is 1.2m.</p> <p>10. Boundary fences shall be lapped and capped timber or metal sheeting.</p>	<p>areas within the front setback are proposed with 1.8m high enclosing walls.</p> <p>Enclosing walls to POS are setback approximately 5.2m from the property boundary.</p> <p>Enclosing walls to POS are proposed with transparent wall panels for passive surveillance.</p> <p>Front boundary fencing is not proposed.</p> <p>Side boundary fencing forward of the building line is not proposed.</p> <p>Side boundary fencing behind the building line is proposed as 1.8m high metal fencing.</p>	
<b>8. Car Parking and Access</b>			
<b>Car Parking</b>	<p>1. Visitor car parking shall be clearly identified and may not be stacked car parking.</p> <p>2. Visitor car parking shall be located between any roller shutter door and the front boundary.</p> <p>3. Pedestrian and driveways shall be separated.</p>	<p>21 car parking spaces are proposed, with 10 spaces only required under the ARH SEPP.</p> <p>Underground car parking is proposed.</p> <p>Underground car parking is proposed with a separate pedestrian and driveway access.</p>	Yes
<b>Pedestrian Access</b>	<p>2. Provide high quality accessible routes to public and semi-public areas of the building and the site, including</p>	<p>All dwellings have accessible access in accordance with AS1428.</p>	Yes

	<p>major entries, lobbies, communal open space, site facilities, parking areas, public streets, and internal roads.</p> <p>3. Promote equity by:</p> <ul style="list-style-type: none"> <li>- Ensuring the main building entrance is accessible for all from the street and from car parking areas.</li> <li>- Integrating ramps into the overall building and landscape design.</li> <li>- Design ground floor dwellings to be accessible from the street, where applicable, and to their associated private open space.</li> </ul>	<p>Eight dwellings are compliant with AS4299 for Adaptable Housing.</p>	
9. Amenity and Environmental Impact			
Overshadowing	<p>1. Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least:</p> <ul style="list-style-type: none"> <li>- One living, rumpus room or the like; and</li> <li>- 50% of the private open space.</li> </ul>	<p>Adjoining dwellings will not be significantly overshadowed and will receive the required solar access between 9am – 5pm.</p>	Yes
Privacy	<p>1. Building siting, window location, balconies, and fencing should take account of the importance of the privacy of onsite and adjoining buildings and outdoor spaces.</p> <p>2. Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.</p> <p>5. Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by:</p> <ul style="list-style-type: none"> <li>- Balconies to screen other balconies and any ground level private open space.</li> <li>- Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms.</li> </ul>	<p>The use of privacy screens to windows and balconies to the proposed RFB will mitigate opportunities for overlooking.</p> <p>Communal open space, common areas and access routes are separated from ground floor habitable rooms where required by landscaped planting</p>	Yes

	- Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space.	and privacy screens.  FFL of courtyards fronting Moore Street are stepped up approximately 400mm from the street.	
Acoustic Impact	1. Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.	Acceptable noise levels between dwellings will be achieved in accordance with the Building Code of Australia (BCA) requirements for sound and impact transmission.	Yes
10. Site Services			
Letterboxes	1. Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.	Individual letter boxes are proposed adjacent to the common pedestrian entranceway.	Yes
Waste management	<p>1. Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.</p> <p>2. Any structure involving waste disposal facilities shall be located as follows:</p> <ul style="list-style-type: none"> <li>- Setback 1 m from the front boundary to the street.</li> <li>- Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape.</li> <li>- Not be located adjacent to an adjoining residential property.</li> </ul>	<p>Garbage bin storage area located adjacent to the western boundary within close proximity of the street frontage.</p> <p>Bins are setback 1m from the street frontage with landscaping proposed between bins and street frontage.</p> <p>Bin storage areas are proposed to be located along the boundaries of the site.</p>	<p>Yes</p> <p>Yes</p>
Frontage works and damage to Council infrastructure	2. Council must be notified of any works that may threaten Council assets. Council must give approval for any works	All required approvals will be obtained.	Yes

	involving Council infrastructure.		
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The development generally complies with the objectives and requirements of the DCP, except side setback, deep soil zone and landscaping. These are addressed as follows:

#### **Minimum side setback variation**

The LDCP 2008 requires a minimum side setback of 8m for those parts of a building greater than 10m in height in the R4 zone. The proposal is 14.15m in height and provides for minimum side setbacks of 3m to the east and west boundaries. This is a variation of 5m. The proposed side setback is considered to be justified on the basis that the proposed building setbacks are compliant at the ground floor (excluding proposed Unit 3 which provides 3m), and are mitigated on upper level floors through the use of effective screening and detailing at the balcony edges. Additionally, the 3m setback is only applicable to the two outermost units on each floor extending only to a total length of 8.5m of the building, the remainder of the building is setback 8m. The reduced side setback is considered appropriate, having regard to the cruciform built form that restricts openings to the front and rear, rather than the side boundaries. This would ensure that there is acceptable amenity impact upon adjoining sites. Given the orientation of the site and the proposal's built form, there will be no significant overshadowing and amenity impacts onto the adjoining properties.

#### **Deep soil variation**

The LDCP 2008 requires that 25% of the site is to be landscaped area (deep soil area). The proposal provides 282sqm (20.5%) of the site as landscaped area and 179sqm (13%) to be provided as deep soil zone. This variation is considered acceptable as landscaping is provided sufficiently within the site to enhance the existing streetscape and soften the visual appearance of the buildings, and is unlikely to have a significant impact on infiltration of stormwater. Additionally, there are usable paved common areas on both the east and west sides of the building and the proposed deep soil zone exceeds the minimum required deep soil zone of 7% required for residential flat buildings as stipulated in the ADG.

#### **Front landscape variation**

The LDCP 2008 requires that a minimum of 50% of the front setback area shall be landscaped area. This proposal achieves a total 22% of front setback area to be landscaped. This is a variation of 56%. The proposal is for landscaped raised garden beds and paved areas within the front setback. This is considered acceptable as an on site detention tank is located below the front setback, with this area providing accessways for dwellings facing the street, incorporates POS for ground floor dwellings, and providing landscaping including feature trees and garden beds that contribute to a positive visual appearance from the street frontage. In addition, the proposal has been amended whereby the previously proposed separate entry driveway and separate exit driveways have been replaced with single combined entry/exit driveway as suggested by the DEP. Consequently, landscape area within the front setback area has been significantly increased.

#### **Landscaping and trees variation**

The LDCP 2008 requires the setback areas to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas. The proposal provides for four trees at the rear of the site that can reach a mature height of 6m. This is considered

acceptable as the proposed tree height is not a significant variation to the LDCP 2008 control and is appropriate for the proposed development.

#### **Garbage storage area variation**

The LDCP 2008 requires that garbage storage areas are not be located adjacent to an adjoining residential property. The proposal provides for garbage storage areas to be located adjacent to the north-east property boundary. However, this is considered justified as the garbage storage area is enclosed, which will reduce odours, in accordance with Council requirements and the location allows for easy access by residents and is in close proximity to the street for garbage bin placement in accordance with Council's requirements.

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

There are no draft Environmental Planning Instruments which apply to the development.

#### **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**

##### **Built Environment**

The impacts on the natural and built environment have been assessed as part of the development application. It was found that the proposal is unlikely to create a detrimental impact on the natural environment surrounding the subject site.

The proposed development is considered to be of an appropriate scale and built form and unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole in that the development has been designed taking into account the development potential of adjoining sites.

Construction impacts will be managed through the implementation of a Construction Management Plan to be prepared and submitted to Council prior to the commencement of works. Hours of construction will be undertaken in accordance with Council's requirements, and adjoining properties will be notified prior to commencement of works on site.

##### **Natural Environment**

The proposed development is unlikely to create any significant environmental impact on the natural and built environments. The proposed works will comprise a modern, well designed

building, on a currently under-utilised site. The design of the proposal would ensure that its impact on the natural environment is acceptable.

#### **(a) Social Impacts and Economic Impacts**

##### **Social Impacts**

The proposal will be beneficial in providing housing for those with a demonstrated housing need. The proposal is for quality housing and will improve the sustainability of housing on the site, particularly through improved energy and water efficiency. The NSW Land & Housing Corporation (LAHC) already owns the site and the proposed development will utilise the site more efficiently, with a greater number of modern residential units able to be provided on the property.

The proposal will increase the quantity, quality, mix, accessibility and affordability of housing on the site. The proposed development will provide 23 one and two bedroom affordable and accessible housing units on the site. This is a net increase of 21 units and will provide much needed affordable housing within the Liverpool LGA. There is a current wait time of 5 – 10 years for one bedroom housing, and over ten years for two bedroom public housing dwellings in the Liverpool LGA. The proposed development will help to meet this demand.

The proposal will have a beneficial impact in terms of the accessibility of the site and the local area on any future residents from what previously existed. The proposal will provide an increased number of accessible and affordable housing dwellings with access to services and facilities. The proposed development has been designed to a 'liveable' standard which can be adapted to accommodate a person with a disability should the need arise and the development is fully wheel chair accessible. Access from the site is available to public transport located on Moore Street via principally level sealed footpaths.

The proposal will strengthen opportunities for healthy lifestyles, healthy pursuits, physical activity and other forms of leisure activity by providing modern high quality residential accommodation that is accessible to recreation facilities and health services locally or by public transport.

##### **Economic Impacts**

The proposal will increase local employment opportunities through local sourcing of tradesmen and other construction-related professionals during construction, and from the on-going consumption of the additional households. The construction and ongoing maintenance of the development will therefore assist to stimulate local economic activity. The proposal will also provide economic benefits to families awaiting affordable housing.

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

The subject proposal satisfies the relevant planning controls for the site as detailed above and is generally considered to be suitable for the site.

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

##### **(a) Internal Referrals**

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

Internal Department	Status and Comments
Environmental Health	Satisfactory, subject to conditions
Land Development Engineering	Satisfactory, subject to conditions
Traffic Engineering	Satisfactory, subject to conditions
Community Planning	Satisfactory, subject to conditions
Building/Fire	Satisfactory, subject to conditions
Design Excellence Panel	Recommended modifications made to the proposal. The applicant has made these changes and these are considered satisfactory as noted by Council's City Architect comments below.
City Architect	<p>Council's City Architect provided the following comments on reviewing revised plans which were to address comments provided by the DEP:</p> <p><i>I have reviewed the drawings for 188 Moore Street Liverpool by dwp suters Revision D Dated 29-06-16.</i></p> <p><i>I have read the comments of the DEP as contained in the letter from LCC to the applicant dated 31-05-16. The revised set of drawings reflect the comments of the DEP and the proposal is considered to meet all outstanding issues.</i></p> <p><i>I have reviewed the applicant's response to the SEPP 65 Principles and note that they have met all requirements. The design does comply with the 2700mm floor to ceiling height in habitable rooms. I note that the DEP did advocate 3050mm floor to floor heights to avoid any bulkheads but accept that the proposal is satisfactory.</i></p>

**(a) Community Consultation**

The development application was notified for a period of 14 days between 9 May 2016 and 23 May 2016 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received during the notification period.

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

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

The proposed development aims to provide modern, well-designed housing for persons on low incomes (including for seniors and persons with a disability) and satisfy an increasing demand for affordable housing within the local area. The proposal is also regarded to be an improvement on the previous residential development that had exceeded its economical lifespan that was situated on the site.

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

## **7 Developer Contributions**

Contributions have been applied to the development in accordance with Liverpool Contributions Plan 2009, as conditions of consent.

## **8 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 4 storey residential flat building pursuant to the ARH SEPP at 188-190 Moore Street, Liverpool.
- The proposal is permitted with consent within the R4 High Density Residential zone under the LLEP and is consistent with the objectives and development standards of the LLEP 2008.
- The proposal generally complies with the provisions of the LDCP 2008 and the non-compliances are considered to be minor and have been sufficiently justified by the proponent.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form is consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.
- The development will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings.
- The proposal will assist LAHC in trying to meet the significant, long-standing and continually growing demand for public housing in the Liverpool LGA, and the state of New South Wales. The proposal will assist LAHC in modernising its ageing housing stock in the area, and consequently, improve the living conditions of its tenants.
- The proposed development will contribute to the much needed supply of well-designed and accessible housing. Although there will be an increase in population on the subject site, future residents are unlikely to place additional strain on existing community infrastructure and services given that most will already be residing within the Liverpool LGA and using the existing services.



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

## **9 ATTACHMENTS**

- 1 Recommended conditions of consent incorporating changes requested by Family & Community Services
- 2 Architectural, civil and landscape plans
- 3 Schedule of Finishes
- 4 Traffic Report
- 5 SEPP 65 Design Quality Principles (and applicant ADG Compliance Table)
- 6 Social Impact Comment
- 7 Basix Certificate
- 8 Preliminary Site Investigation
- 9 Remediation Action Plan
- 10 Waste Management Plan
- 11 Design Review Panel (DEP) Comments
- 12 ADG Compliance Table (assessment table)
- 13 Statement of Environmental Effects
- 14 Written advice from the applicant that they agree with all recommended conditions from Council.