

SYDNEY SOUTH WEST PLANNING PANEL

COUNCIL ASSESSMENT REPORT

SSWPP No	2016SYW105
DA Number	DA-496/2016
Local Government Area	Liverpool City Council
Proposed Development	Construction of a 25 storey mixed use residential and commercial building with four basement levels of car parking and demolition of existing structures. Liverpool City Council is the consent authority and the Sydney West Joint Regional Planning Panel has the function of determining the application.
Street Address	7-13 Norfolk Street Liverpool (Lot 34 DP 777411, Lots 1 & 2 DP 7541)
Owner	Eagle Developments Australia Pty Ltd J A P Cardile Developments Pty Ltd
Date of DA Lodgement	25 May 2016
Applicant	Mosca Pserras Architects Pty Ltd
Number of Submissions	1
Regional Development Criteria (Schedule 4A of the Act)	The proposal has a capital investment value of over \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i> <ol style="list-style-type: none"> 1. State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development. 2. State Environmental Planning Policy No.55 – Remediation of Land. 3. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 4. State Environmental Planning Policy (Infrastructure) 2007. 5. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. 6. Liverpool Local Environmental Plan 2008. • <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i> <ol style="list-style-type: none"> 7. Draft LLEP 2008 – Amendment 52 • <i>List any relevant development control plan: s79C(1)(a)(iii)</i>

	<p>8. Liverpool Development Control Plan 2008.</p> <ul style="list-style-type: none"> - Part 1 – General Controls for all Development. - Part 4 – Development in the Liverpool City Centre. <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> <p>9. No planning agreement relates to the site or proposed development.</p> <p>• <i>List any coastal zone management plan: s79C(1)(a)(v)</i></p> <p>10. The subject site is not within any coastal zone management plan.</p> <p>• List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</p> <p>11. Consideration of the provisions of the Building Code of Australia.</p>
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> 1. Recommended Conditions of Consent 2. Architectural Plans 3. Acoustic Report 4. BCA Capability Report 5. Disability Access Report 6. Phase 1 Contamination Assessment 7. BCA 'Deemed-To-Satisfy Compliance Section J Report 8. Traffic and Parking Assessment 9. Updated Preliminary Site Investigation 10. Statement of Heritage Impact Report 11. Waste Management Plan
Recommendation	Approval
Report by	George Nehme
Report date	10 July 2017

Summary of s79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment? <i>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</i>	Yes

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

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

1.1 The proposal

The application proposes the excavation of the site including demolition and the construction of a 25 storey mixed use development, comprising of ground and first floor commercial with 129 residential units above (19 x 1 bedroom, 97 x 2 bedroom and 13 x 3 bedroom), over four levels of basement parking and demolition of existing structures.



Figure 1: Building Perspectives

1.2 The site

The development site is identified as Lots 1 and 2 DP7541 and Lot 34 DP777411 being 7-13 Norfolk Street Liverpool. An aerial photograph of the subject site is provided below.

approximately 800m west of the Liverpool train station and approximately 120m east of the Hume Highway/ Copeland Street. A locality map of the subject site is provided below.

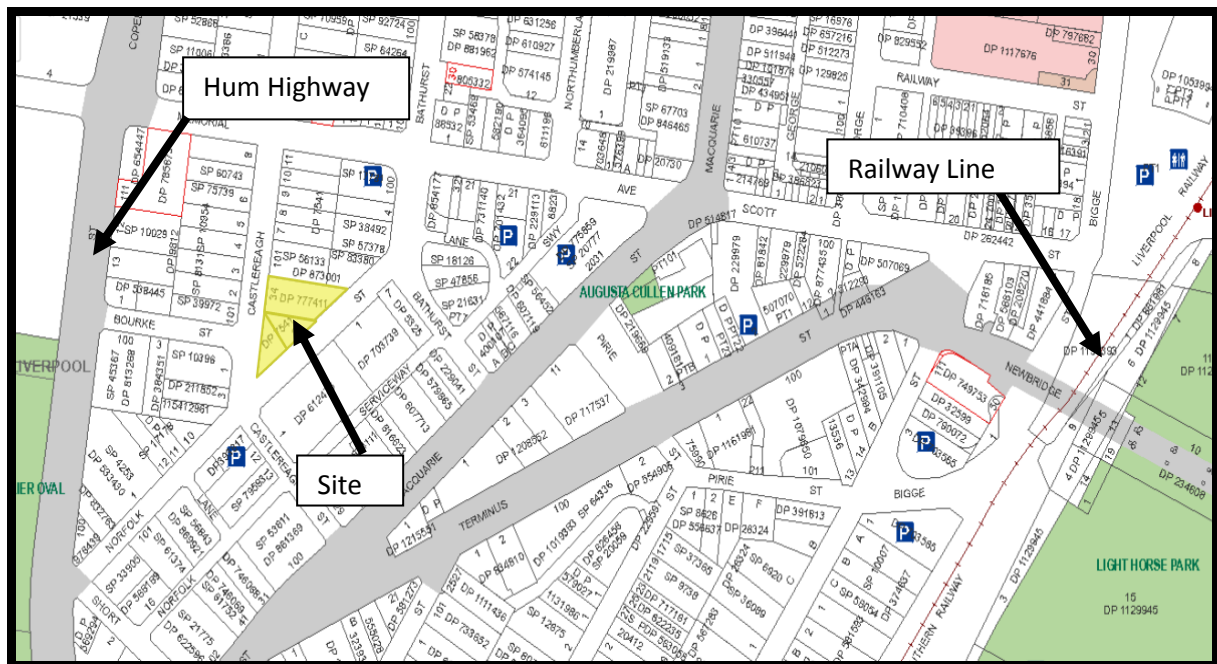


Figure 3: Locality Map

The site is an irregular shaped allotment located at the intersection of Norfolk Street and Castlereagh Street Liverpool. The development site has a frontage of 92.6m to Norfolk Street and 68m to Castlereagh Street, Liverpool and a northern boundary of 61.58m with a total area of 2,110m². The subject site is located within the Liverpool City Centre and is zoned B4 Mixed Use, pursuant to the Liverpool Local Environmental Plan 2008.

2.1 The locality

The surrounding locality is predominately characterised by a mixture of medium to high density residential development in conjunction with a variety of commercial/recreational uses. Directly east of the subject site is 100 Castlereagh Street Liverpool. An application for a mixed use development containing two towers being 90m and 79m high respectively, was approved on 20 December 2006 and is currently under construction. A visual perspective of the approved development is shown in the figure 4 below;



Figure 4: Adjoining Building Approved at 100 Castlereagh Street

Directly east of the subject site at 4-8 Norfolk Street is a multi-storey indoor recreational facility located at the intersection of Norfolk Street, Bathurst Street and Norfolk Serviceway.

Located directly north of the subject site at 98 Castlereagh Street is a three storey RFB containing 24 units. Also directly north of the subject site at No.3 Norfolk Street is two storey commercial building.

Located directly west of the subject site at 115 Castlereagh Street is a multi-dwelling housing development. One of the dwellings within the multi-dwelling housing development is a locally listed heritage item, identified as Item Number 77 'Dwelling' under Schedule 5 of the Liverpool Local Environmental Plan 2008. Discussion relating to the heritage item is detailed further in this report.

Also located directly west of the subject site across Castlereagh Street at No.111 and No.117 Castlereagh Street are 4 storey RFB's of brick construction. Figure 5 details the surround locality.

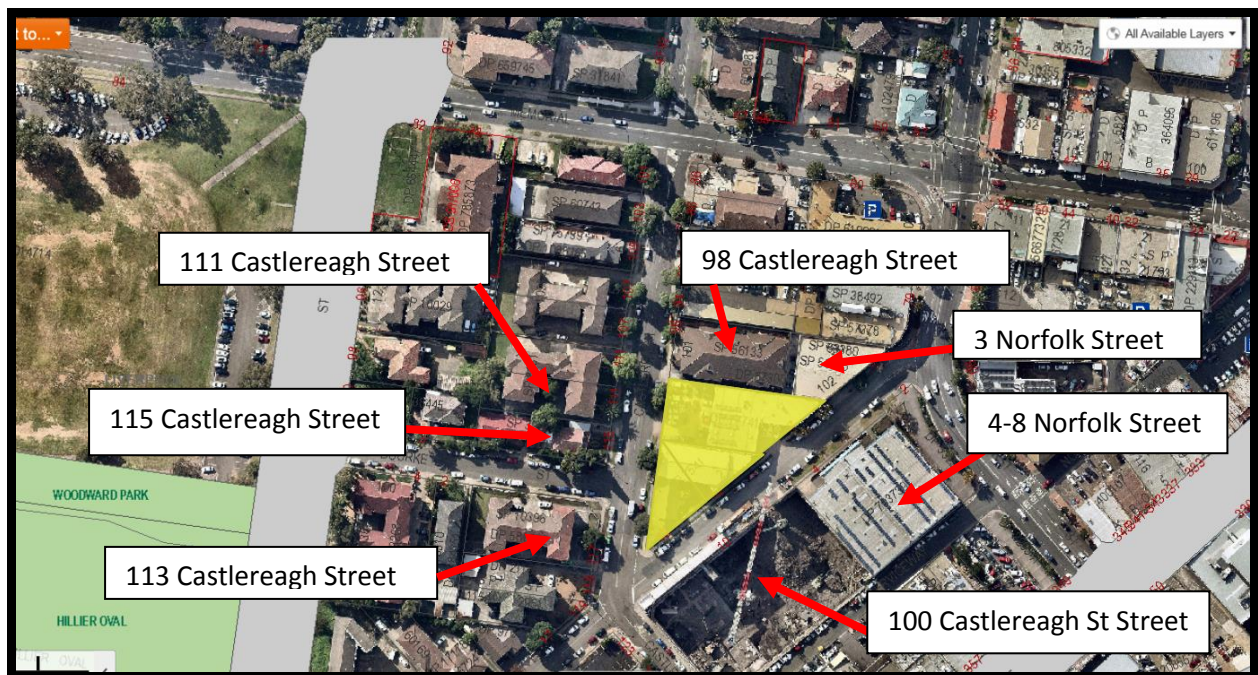


Figure 5: Surrounding Locality

All sites north, east and south east of the subject site are zoned B4 Mixed Use with a height limit of 80m. All sites directly west of the subject site across Castlereagh Street are zoned R4 High Density Residential with a height limit of 35m.

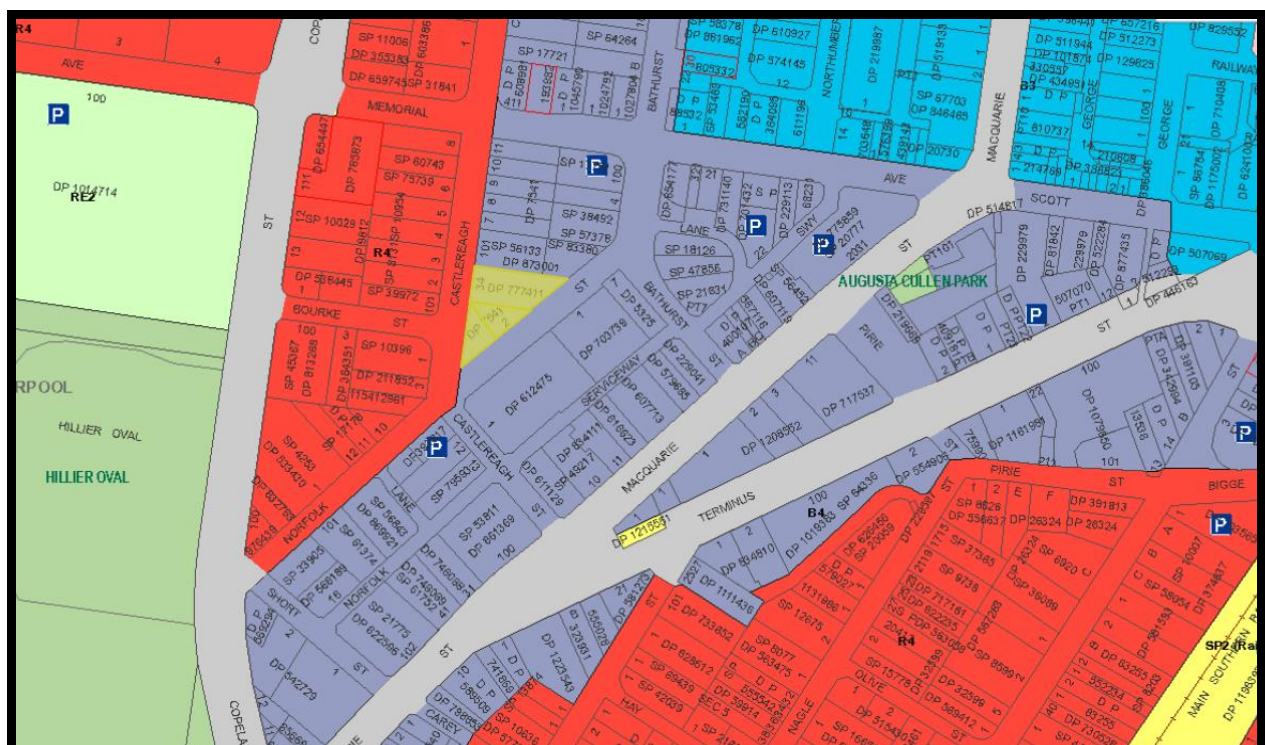


Figure 6: Surrounding Zoning

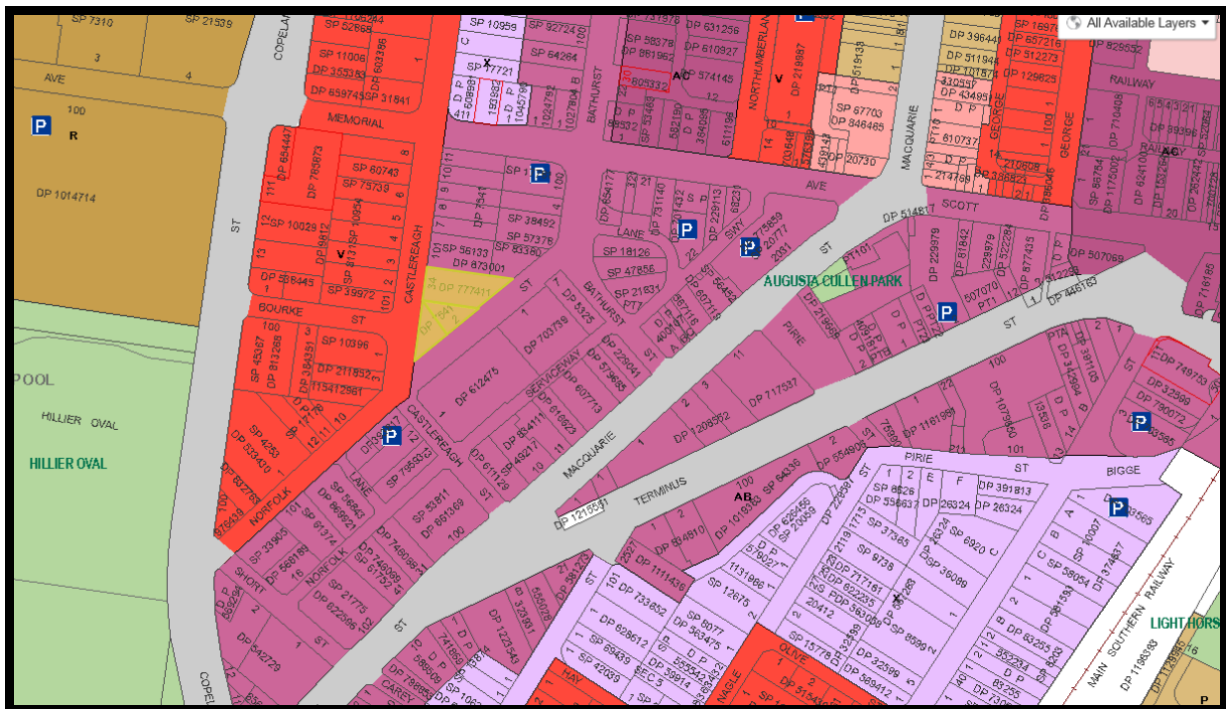


Figure 7: Surrounding Heights

2.2 Site affectations

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

Land Reservation Acquisition

A portion of the development site along the Norfolk Street frontage has been identified for acquisition for the purposes of 'Local Road', as indicated in the figure below (pursuant to cause 5.1 of the LLEP 2008). As part of the conditions of consent a condition will be imposed requiring that portion of the development site be dedicated to Council.

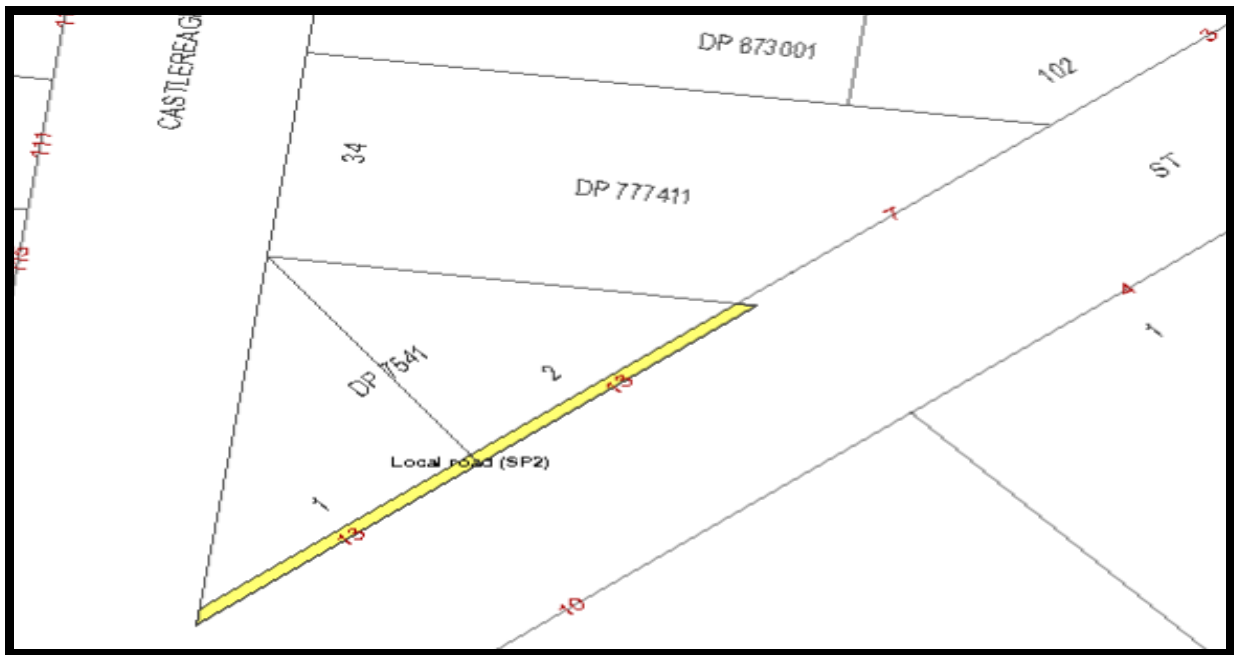


Figure 8: Land Acquisition Map

Heritage Significance

The proposed development is located east of a Heritage Listed Item No.77, under Schedule 5 of the Liverpool Local Environmental Plan 2008, identified as “Dwelling” at 115 Castlereagh Street. A map showing the location of the heritage item is shown below in figure 9 . A photo of the heritage item is also shown below in figure 10.

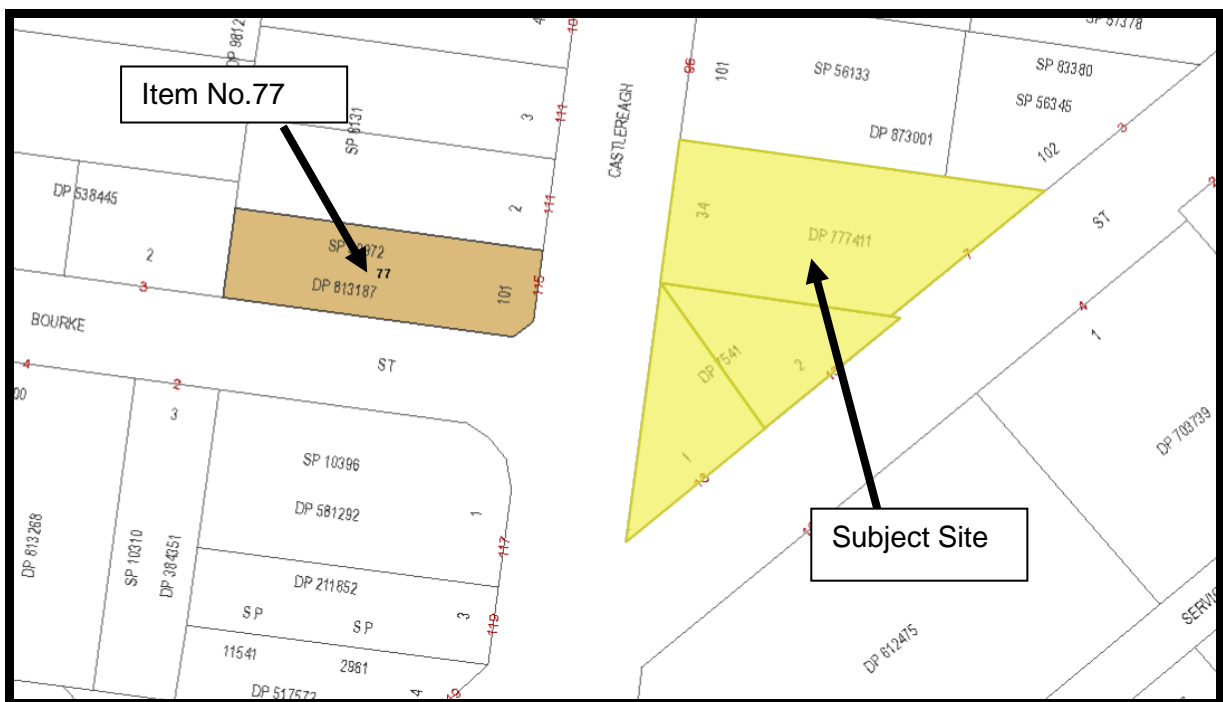


Figure 9: Heritage Item Location



Figure 10: Heritage Item at 115 Castlereagh Street

As a consequence of the location of the subject site in close proximity to the heritage item, Council's Heritage Officer reviewed the application and provided the following comments;

There have been a series of impacts in recent years on the setting and amenity of the listed residence due to the erection of brick apartment blocks. They may have been erected prior to the provisions of the current LEP and guidelines in the DCP. The two storey podium treatment of the west elevation does provide a gesture in terms of scale which can be interpreted as an element which relates to the traditional scale of the earlier suburban development. The use of a brown brick could be interpreted as a sympathetic element in this context. However this has not been recorded in the design and impact statements and the treatment is the same on the other elevation. The question is: Does the listed dwelling warrant elements within the design which relate to and interpret that significance? Given the location and scale of the proposal the answer is that simple gestures are warranted in this particular context. They may be reasonable given the scale of the proposal and the impacts would be negligible on the cost and scope of the building while the community benefit in having the social history acknowledged would be substantial.

Comment: There have already been a series of impacts in recent years on the setting and amenity of the listed residence due to the erection of brick apartment blocks. It can be surmised from the heritage comments above, that the proposed development does provide a gesture in terms of scale and building materials to the listed heritage item across

Castlereagh Street. It is evident from the above comments that given the location and scale of the proposal simple gestures are warranted in this context. Therefore having regard to the comments above it is considered the proposed development effectively responds to the listed heritage item and is worthy of support in this instance.

It is considered that the proposed development effectively responds to the heritage item across Castlereagh Street. The proposed development is therefore worthy of support in this instance.

3. BACKGROUND

3.1 Issues Identified in Initial Assessment

Following on from a preliminary assessment of the application and the presentation of the application to Council's Design Excellence Panel (DEP), amended information was requested requiring the following;

- 1) Increase the building setback/separation to a minimum of 6m from northern boundary.
- 2) Moving the residential tower toward the corner intersection of Norfolk and Castlereagh Street to reinforce the angled street corner.
- 3) Reduction in the building height from 81.2m to a compliant 80m height in accordance with Clause 4.3 of the LLEP 2008.
- 4) Reduction in the FSR from 5.55:1 to a compliant 5.09:1.

3.2 Related applications

a) Pre-DA meetings

A Pre-DA meeting was held for the proposal on 16 September 2015. No major concerns were raised at the meeting with regards to the proposal.

3.3 Design Excellence Panel Briefing

The proposal was presented to Council's Design Excellence Panel on 2 occasions being 21 July 2016 and 17 November 2016.

At the first meeting of the DEP the following comments were provided, requiring design amendments to the proposed development;

Scale and Bulk

- *The panel recommends moving the tower form forward to the corner of Castlereagh and Norfolk to reinforce the angled street corner*
- *Use the angled geometry to maximize dual aspect apartments*

- *Increase the separation distance between the podium and the existing residential building to the north*
- *The panel suggests creating a minimum 6m wide driveway with tree planting that extends along the northern boundary within the site. This could be a one way in and one way out shared vehicle/pedestrian zone.*
- *The panel considered that alternative configuration of the tower and podium could realise better built form and unit layouts, and suggested that some basic sketch modelling of options be considered for review by council prior to committing to substantive work in preparation of a full DA.*
- *Development to be within height and FSR*

Quality of construction and Material Selection

Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining, weathering and failure of applied finishes. Render is discouraged.

Ensure that the lift lobbies at the lower levels have adequate natural light.

Floor-to-floor height

The Panel recommends a floor-to-floor height of 3050mm if required. This enables a floor-to-ceiling height of 2.7m to be easily achieved without bulkheads or dropped ceilings.

Detail section:

In order to provide clearer understanding of how the façade and balcony areas can be detailed, typical sections at 1:20 should be submitted that can also show how services and drainage are intended to be integrated.

The Panel cannot provide overall support for the proposal at this stage of its development. In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be referred back to the Panel for comment.

Comment: As a consequence of the first DEP meeting, updated architectural were provided to address the DEP comments. The amended plans provided in response to the DEP comments provided the following changes.

- 1) The tower was moved closer to the southern corner boundary wedge, addressing both Castlereagh and Norfolk Streets.
- 2) The separation from the northern adjoining building was increased to a minimum of 6m, with the incorporation of a driveway along the northern boundary. The driveway has sole vehicular access off Castlereagh Street.
- 3) The amended plans provided for a reconfigured podium and tower element to allow for better amenity.
- 4) The amended design incorporated a variety of building materials in accordance with the DEP comments.
- 5) A floor-floor height of 3.05m was incorporated into the design.

- 6) The height and FSR of the building was reduced to comply with the minimum development standards within the LLEP 2008.

The amended proposal was presented a second time to the DEP at its meeting on 17 November 2016. At the meeting of 17 November the DEP made the following comments;

- *The driveway to the north should be upgraded to be a pedestrian friendly share way.*
- *Locate bollards to prevent car access to eastern end of the new share way.*
- *Relocate escape stair, water tank, etc. to allow for landscaping and a clear pedestrian pathway to eastern end.*
- *The apartment mix is to meet DCP requirements 10%-1 bedroom 10% -3 bedroom*
- *Panel commended the architects on design development, apartment layout and consideration of previous DEP comments.*
- *The open galleries and breeze ways are acceptable.*
- *The screens to the balconies and breeze ways must be retained.*

General

Note: All SEPP 65 apartment buildings must be designed by an architect and their registration number is to be on all drawings. The architect is to attend the DEP presentations.

Floor-to-floor Heights

The minimum floor-to-floor height is to be 3050mm, and preferably 3100mm, to allow for 2700mm ceilings plus ducting, lighting, structure, services etc. at construction stages

Quality of construction and Material Selection

Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged.

CLOSE

The application is satisfactory subject to the design changes above. In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans do not need to return to the plan and should be considered by Council.

Comment: The proposed changes requested by the DEP regarding the proposed driveway including incorporating a pedestrian friendly share way, addition of bollards and relocation of stair case is considered onerous in this instance as the proposal provides for suitable pedestrian access entries off both Castlereagh Street and Norfolk Street and provides an active street frontage off both streets.

It is considered appropriate that the proposed driveway to the north be maintained solely for vehicle access to the basement to allow a safe separation between vehicle entry/exit points and pedestrian access points.

The apartment mix has been updated to allow for an appropriate mix including 15% x 1 bedroom, 75% x 2 bedroom and 10% x 3 bedroom.

The floor to floor height was increased to 3.05m in accordance with the first DEP meeting recommendations. The preference of the DEP in the second meeting to increase to 3.1m is considered inconsistent with the original advice, as such it is not considered appropriate to request an amendment to the design to incorporate a 3.1m floor-floor height. Notwithstanding the fact the floor-floor height was not increased to 3.1m, it is considered the provision of a 3.05m floor-floor height still allows for the provision of a 2700mm floor to ceiling height plus sufficient space between floors for the necessary services required.

It is considered the building materials incorporated in the design are consistent with the advice of the DEP. The materials are considered to be robust and low maintenance

Conclusion

Based on the advice of the DEP and the amendments to the plans provided it is considered that the proposed development exhibits design excellence and is a building design worthy of support.

3.4 SWPP Briefing

A SWPP briefing meeting was held on 24 November 2016. At the meeting the panel requested that Council address the non-compliant building height, FSR and apartment mix.

The original design had proposed a total of 132 apartments, a building height of 81.2m and an FSR of 5.5:1, which exceeded the 80m height limit and the 5.09:1. The original proposal also incorporated an apartment mix of 9% x 1 bedroom, 86% x 2 bedroom and 5% x 3 bedroom. The applicant had provided a clause 4.6 variation to justify the non-compliance to the height and FSR controls.

During a preliminary assessment conducted by Council, the clause 4.6 variations provided to justify the non-compliant height and FSR were reviewed. It was found the 4.6 variations provided did not provide sufficient grounds to warrant support. As such it was requested that the applicant amend the proposed design to a compliant proposal.

Consequently the applicant provided an amended design that reduced the building height to a maximum 80m. The amended design reduced the number of units to 129, the building envelope and overall GFA was also reduced to allow for a compliant FSR. The apartment mix was also amended to allow for 15% x 1 bedroom, 75% x 2 bedroom and 10% x 3 bedroom.

Based on the amended plans provided, it is considered that the proposal provides for a development that addresses the concerns raised by Council and is worthy of support.

4. DETAILS OF THE PROPOSAL

The application proposes the excavation of the site including demolition and the construction of a 25 storey mixed use development, comprising of ground and first floor commercial with 129 residential units above (19 x 1 bedroom, 97 x 2 bedroom and 13 x 3 bedroom).

Further details are as follows:

Ground Floor

- 1) 2 x commercial tenancies identified as G.01 and G.02. Tenancy G.01 is located at the southern portion of the proposed building at the intersection of Norfolk and Castlereagh Street. Tenancy G.01 has a floor area of 191.67m². Tenancy G.02 is located at the north-eastern portion of the proposed building with a frontage to Norfolk Street. Tenancy G.02 has a floor area of 136.9m².
- 2) Residential and Commercial garbage rooms, bulk waste room, sprinkler pump & valve room, diesel pump room, NBN/Communications room, fire control room and main switch room.
- 3) Residential lobby with pedestrian access off Castlereagh Street. The residential lobby contains 3 lift shafts.
- 4) Commercial Lobby with one lift and access off Norfolk Street.

First Floor

- 1) 1 x commercial tenancy identified as 101. Tenancy 101 is located at the north-eastern portion of the proposed building with an orientation towards Norfolk Street and the northern elevation. Tenancy 101 has a floor area of 341m².

Level 2

- 1) 9 residential units, comprising of 5 x 1 bedroom units, 3 x 2 bedroom units and 1 x 3 bedroom unit.
- 2) Storage area containing 86 storage cages.
- 3) Seating area

Level 3

- 1) 9 residential units, comprising of 5 x 1 bedroom units, 3 x 2 bedroom units and 1 x 3 bedroom unit.
- 2) Communal open space with swimming pool being 351.79m² in area.

Level 4

- 1) 9 residential units, comprising of 5 x 1 bedroom units, 3 x 2 bedroom units and 1 x 3 bedroom unit.
- 2) Communal open space with BBQ area being 189.55m² in area.

Level 5

- 1) 7 residential units, comprising of 1 x 1 bedroom units, 5 x 2 bedroom units and 1 x 3 bedroom unit.

Levels 6-8

- 1) 7 residential units, comprising of 1 x 1 bedroom unit, 5 x 2 bedroom units and 1 x 3 bedroom unit on each level

Level 9

- 1) 5 residential units, comprising of 5 x 2 bedroom units.
- 2) Communal open space being 274.93m² in area.

Levels 10-21

- 1) 5 residential units, comprising of 5 x 2 bedroom units on each level

Level 22-24

- 1) 3 residential units, comprising of 1 x 2 bedroom unit and 2 x 3 bedroom units on each level.

Roof

- 1) Plant room, fire stair and lift overrun

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

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

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

Draft Environmental Planning Instruments

- Draft Liverpool Local Environmental Plan No.52

Development Control Plans

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

Contributions Plans

Liverpool Contributions Plan 2007 applies to all development within the Liverpool City Centre, and requires the payment of contributions equal to 3% of the cost of the development pursuant to Section 94A of the EPA & Act.

5.2 Zoning

The site is zoned B4 mixed use pursuant to LLEP 2008 as depicted in Figure 12.

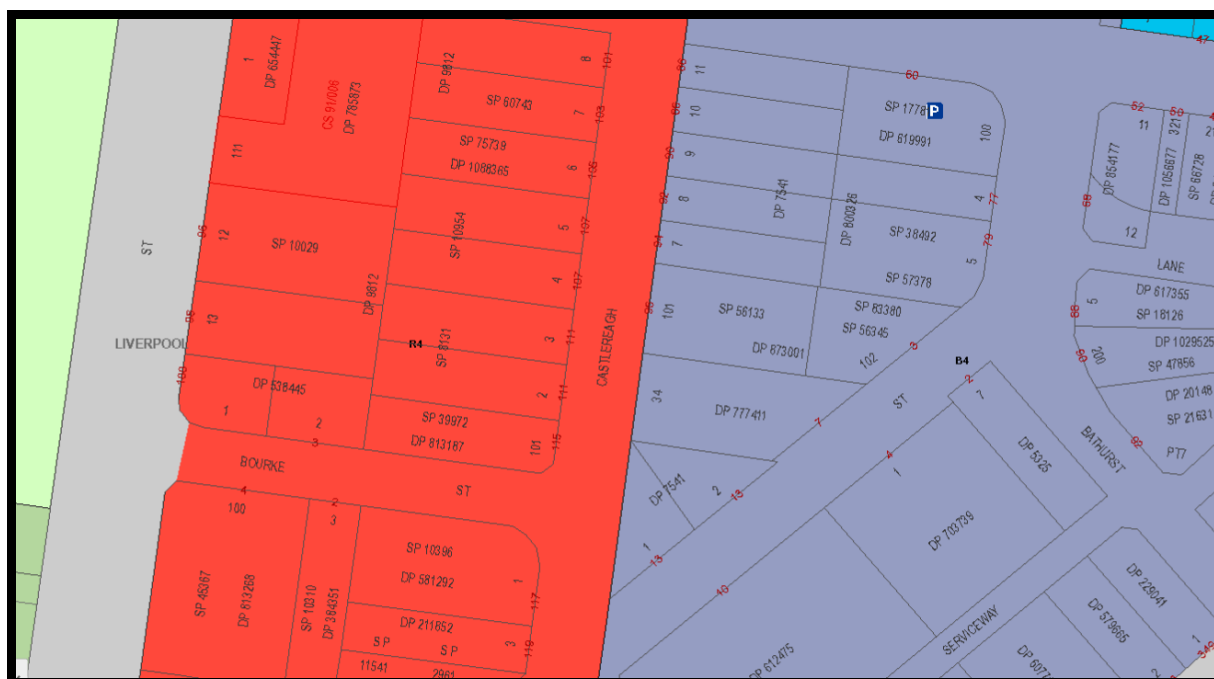


Figure 12: zoning map

5.3 Permissibility

The proposed development would be best defined as a “*commercial premises*” and a “*Residential flat building*”, which is permissible within the B4 Mixed Use zoning.

6. ASSESSMENT

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

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

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

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

Following is a table summarising the nine design quality principles outlined in SEPP 65, and compliance with such.

Design Quality Principle	Comment
Principle 1 – Context and Neighbourhood Character	
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.	The proposal has been designed to provide a quality mixed-use development that responds to and utilises the advantage of the site location, attributes and its context within the centre of Liverpool and the greater area. Additional comments are as follows: <ul style="list-style-type: none">- The tower element of the development has been designed to take advantage of the angled street corner of Norfolk and Castlereagh Street, which creates a point of interest and reinforces the corner location.- Pedestrian entry positions have been located at both street frontages to
Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.	
Consideration of local context is important for all sites, including sites in established areas,	

Design Quality Principle	Comment
those undergoing change or identified for change.	<p>take advantage of the dual frontage that the site benefits from and enables the creation of active street frontages along both street frontages.</p> <ul style="list-style-type: none"> - The proposed development allows for increased housing and commercial diversity for the Town Centre. - The building form relates to the future desired character of the area. The tower building has commercial on the ground level and first floor whilst the remainder of the building is residential. - The proposed building has incorporated building materials that respond to the adjoining heritage item. - It is considered the proposed development is consistent with the current and desired future character of the area.
Design Principle 2 – Built form and scale	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>Principle 2 is addressed as follows:</p> <ul style="list-style-type: none"> - It is considered that the proposed building provides for a bulk and scale that is consistent with the current and desired future character of the area. It provides for a height and FSR that is compliant with the development standards applicable. - The building has been designed with consideration of the triangular shape of the allotment and its location at the intersection of two streets. - The proposed building incorporates arrange of building materials and a variety of articulation that allows for an aesthetically pleasing design. - The proposed development incorporates appropriate connectivity for pedestrians and allows for an active street frontage on both street frontages. - The apartments are appropriately articulated, particularly when having

Design Quality Principle	Comment
	regard to the triangular shape of the site. The proposal incorporates apartments with a high level of amenity and also provides for dual aspect apartments in the design where possible.
Design Principle 3 – Density	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposed development has been designed taking into account the projected densities of the site and locality, particularly when considering the applicable development standards for the site.</p> <p>The proposal has incorporated a high level of amenity and has been designed taking into consideration the existing site attributes and the location of the site in relation to the surrounding locality.</p>
Design Principle 4 – Sustainability	
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation</p>	<p>The proposal provides a design that enables suitable natural cross ventilation and the ability to maximise the provision of solar access to the residential apartment. The design provides for a proposal that is compliant with the Apartment Design Guideline (ADG) with regards to cross ventilation and solar access.</p>
Design Principle 5 – Landscape	
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of</p>	<p>The proposal addresses principle 5 by providing:</p> <ul style="list-style-type: none"> - Appropriate open space and landscaped areas that have been designed to respond to the climate, with garden areas and courtyard areas aimed at gaining solar in

Design Quality Principle	Comment
<p>the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>winter.</p> <ul style="list-style-type: none"> - Sustainable planting species selected, that is low maintenance, locally appropriate and available that should also provide good ground cover and canopy shading in summer. - The common space has been located for ease of access at and a degree of privacy at levels 3, 4 and 9.
Design Principle 6 – Amenity	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The proposal addresses principle 6 by providing:</p> <ul style="list-style-type: none"> - The proposal has provided apartment sizes in accordance with the minimum requirements of the ADG. - The development incorporates a design that maximises natural ventilation and solar access where possible. - The design incorporates appropriate internal and external storage areas that are easily accessible. The development allows for appropriate apartment layouts that maximise solar access and cross-ventilation having regard to the site attributes. - The development has allowed for a building design that enables like for like rooms adjoining each other therefore allowing for appropriate acoustic privacy between units.

Design Quality Principle	Comment
Design Principle 7 – Safety	
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The following comments are provided in relation to the design principle of safety:</p> <ul style="list-style-type: none"> - The residential entries are well located in high activity and visibility areas. - Constant passive surveillance maintained; - Access lobbies are well lit; - Secure car parking spaces have been provided - Swipe card access to all areas including basement will be conditioned. - Separate visitor and residential/commercial parking spaces have been provided - Access to common open space on levels 3, 4 and 9 will be restricted to residents and their visitors using a pre-programmed card or other proprietary system.
Design Principle 8 – Housing Diversity and Social Interaction	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposal addresses principle 8 by providing:</p> <ul style="list-style-type: none"> - Range of apartment designs and sizes will accommodate a range of prices for sale. This ensures a diverse range of people from differing social groups. - It is anticipated that there will be no negative impacts on existing social groups or other housing in the area - Beneficial economic impact to the Town Centre and nearby businesses - A safe and well serviced landscaped communal space on levels 3, 4 and 9 have been provided for residential use - Large well accessed common areas for a range of uses. - A provision of 10% adaptable apartments - A broad range of apartment size, position and dual-orientation to address affordability - The proposal includes good access to the common area and good visual links to surrounds.

Design Quality Principle	Comment
	<ul style="list-style-type: none"> - The proposal becomes an example of good residential building form.
Design Principle 9 – Aesthetics	
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The following comments are provided in relation to the design principle of aesthetics:</p> <ul style="list-style-type: none"> - The proposed development incorporates a variety of building elements and colours and finishes that enable the achievement of an aesthetically pleasing development. - Building design has taken into consideration the unique location of the allotment at the intersection of two streets and has concentrated the tower portion towards the corner of the site to create a sense of prominence. - The proposed building has been designed with an appropriate bulk and scale that responds to the existing controls that apply to the site as well as the existing and desired future character of the site.

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

Provisions	Comment
2E Building depth	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	<p>Complies</p> <p>Building depth does not exceed 18m at any point.</p>

Provisions	Comment
2F Building separation	
<p>Minimum separation distances for buildings are:</p> <p><u>Up to four storeys (approximately 12m):</u></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	<p>Complies</p> <p>A 6m building separation is required to the existing buildings to the north. A 6m setback to the northern boundary is proposed, which therefore exceeds the minimum 6m building separation that would be required. In the event a similar development is proposed on the adjoining properties to the north a minimum 12m building separation between habitable rooms can still be achieved if any adjoining development provides for the same 6m setback as the proposal.</p> <p>A minimum building separation of 18.8m is proposed to the nearest buildings across Norfolk Street.</p> <p>A minimum building separation of 22.7m is provided to the nearest buildings across Castlereagh Street.</p>
<p><u>Five to eight storeys (approximately 25m):</u></p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms 	<p>Partial non-compliance</p> <p>An 18m building separation is required from levels 5-8, which equates to a 9m boundary setback when equally distributed between adjoining sites.</p> <p>A 9m northern boundary setback is proposed on levels 5-8. Except for a portion of the balcony of unit 506 which protrudes beyond the minimum 9m setback, refer to discussion below.</p> <p>A minimum building separation of 18.8m is proposed to the nearest buildings across Norfolk Street.</p> <p>A minimum building separation of 22.7m is provided to the nearest buildings across</p>

Provisions	Comment
	Castlereagh Street.
<p><u>Nine storeys and above (over 25m):</u></p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms 	<p>Partial non-compliance</p> <p>A 24m building separation is required from levels 9 and above to the buildings to the north, which equates to a 12m boundary setback when equally distributed between adjoining sites.</p> <p>A minimum 14.035m northern boundary setback is proposed on levels 9 and above, which complies, except for the portion of the building containing the common open space on Level 9 which encroaches on the minimum 12m setback by 3m. Refer to discussion below discussing the merits of the partial non-compliance.</p> <p>A minimum building separation of 30.159m is proposed to the nearest buildings across Norfolk Street.</p> <p>A minimum building separation of 24m is provided to the nearest buildings across Castlereagh Street.</p>
3A Site analysis	
<p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p>	<p>Complies</p> <p>The proposed building has been designed to accommodate the irregular shape of the site and its location at the intersection of two streets. The building design accommodates a predominately triangular design to align with the predominant triangular shape of the site. The tower portion of the proposal is located as close as possible to the corner element of the development site to create a sense of</p>

Provisions	Comment
	<p>prominence and take advantage of the intersection location.</p> <p>The building materials and colours utilised particularly within the podium portion of the development have been implemented to effectively respond to the existing heritage item across Castlereagh Street.</p> <p>The proposed development bulk and scale is consistent with the current and intended desired future character of the surrounding locality, particularly when taking into account the scale of development permissible within the B4 zone.</p>
3B Orientation	
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</p>	<p>Complies</p> <p>The building has been designed to accommodate the unique location of the site at the intersection of the two streets. The residential tower has been located in close proximity to the corner element of the development site to provide for a sense of prominence.</p> <p>The proposed design allows for appropriate solar access to the communal open space on levels 3, 4 and 9 as they are orientated north.</p> <p>The proposed unit layouts minimises southern facing apartments and allows for unit orientations that provides for suitable solar access to the majority of units in accordance with the provisions of the ADG.</p>

Provisions	Comment												
3D Communal and public open space													
<p>Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p> <p>Communal open space is designed to maximise safety</p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>	<p>Complies</p> <p>A total 527.50m² of communal open space is required. The proposed development provides a total communal open space area of 749.84m² comprising of:</p> <ul style="list-style-type: none">- 307.18m² on Level 3;- 189.56m² on Level 4; and- 253.19m² on Level 9 <p>The main communal open space on Level 3, 4 and 9 will receive solar access from 12pm to 3pm for a minimum of 2 hours.</p> <p>The communal open space allows for a range of activities with BBQ facilities, a pool shade structures and open space provided.</p>												
3E Deep soil zones													
<p>Deep soil zones are to meet the following minimum requirements:</p> <table><tr><th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr><tr><td>Less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² to 1500m²</td><td>3m</td></tr><tr><td>Greater than 1500m²</td><td>6m</td></tr><tr><td>Greater than 1500m² with significant tree cover</td><td>6m</td></tr></table>	Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	Less than 650m ²	-	7%	650m ² to 1500m ²	3m	Greater than 1500m ²	6m	Greater than 1500m ² with significant tree cover	6m	<p>Satisfactory</p> <p>Due to the zoning, the requirement for the provision of commercial on the ground floor, the location of the site within the City Centre and the densities permissible the ability to provide deep soil zones is limited.</p> <p>However the ADG stipulates that where the ability to provide compliant deep soil zones is not achievable the proposal must demonstrate acceptable stormwater management is achieved and alternatives forms of planting provided such as on structure.</p> <p>It is considered that despite the limited ability to provide appropriate deep soil zones the development has adequately demonstrated appropriate stormwater</p>
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)											
Less than 650m ²	-	7%											
650m ² to 1500m ²	3m												
Greater than 1500m ²	6m												
Greater than 1500m ² with significant tree cover	6m												

Provisions			Comment
			management methods. The proposed development has also provided for the ability of suitable plantings on podiums levels where communal open space is located particularly on level 9.
3F Visual Privacy			
Minimum required separation distances from buildings to the side and rear boundaries are as follows:			Partial non-compliance From ground level up to level 4 a northern boundary setback of 6m is provided which complies. The northern boundary setback from levels 5-8 provide for a 9m setback which complies except for a portion of the balcony of unit 506 on level 5 which protrudes beyond the minimum 9m setback. Refer to discussion below discussing the merits of the partial non-compliance. The northern boundary setback of 14m is provided from levels 9 to 24 which complies, except for the portion of the building containing the common open space on Level 9 which encroaches on the minimum 12m setback by 3m. Refer to discussion below discussing the merits of the partial non-compliance.
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	
Up to 12m (4 storeys)	6m	3m	
12m to 25m (5-8 storeys)	9m	4.5m	
Over 25m (9+ storeys)	12m	6m	
3G Pedestrian Access and Entries			
Building entries and pedestrian access connects to and addresses the public domain			Complies Pedestrian access is provided off both street frontages taking advantage of the dual frontages of the site. Pedestrian access is provided to the residential lobby and commercial tenancy G.01 off Castlereagh Street and Norfolk Street. Pedestrian access is provided to
Access, entries and pathways are accessible and easy to identify			
Large sites provide pedestrian links for access to streets and connection to destinations			

Provisions	Comment
	commercial tenancies G.02 and 101 off Norfolk Street. Entries are visible from the street and are easily identifiable.
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 vehicle access point is located to achieve safety and minimise conflict. Vehicular access is provided solely off Castlereagh Street via a 6m driveway.
3J Bicycle and Car Parking	
<p>For development in the following locations:</p> <ul style="list-style-type: none"> - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street</p>	Complies Bicycle and car parking is provided in accordance with the requirements of the LDCP 2008.
Parking and facilities are provided for other modes of transport	
Car park design and access is safe and secure	
Visual and environmental impacts of underground car parking are minimised	
Visual and environmental impacts of on-grade car parking are minimised	
Visual and environmental impacts of above ground enclosed car parking are minimised	

Provisions		Comment
4A Solar and Daylight Access		
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas		Complies 107 of 129 units (83%) receive in excess of 2 hours. 5% of units receive less than 2 hours of solar access and 12% of units receive no solar access.
4B Natural Ventilation		
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		Complies 55 Apartments are located within the first 9 storeys. 67% of the apartments within the first 9 storeys are naturally cross-ventilated. All cross over apartments are less than 18m from glass line to glass line.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line		
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		Complies 3.6m ceiling heights are provided to the ground and first floor floor while all other floors have a ceiling height of 2.7m.
Minimum ceiling height		
Habitable rooms	2.7m	
Non-habitable	2.4m	
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	
If located in	3.3m from ground and first	

Provisions		Comment										
mixed use areas	floor to promote future flexibility of use											
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms												
Ceiling heights contribute to the flexibility of building use over the life of the building												
4D Apartment Size and Layout												
Apartments are required to have the following minimum internal areas: <table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>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</p>		Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	Complies <p>Apartment sizes comply with the minimum requirement.</p>
Apartment Type	Minimum Internal Area											
Studio	35m ²											
1 bedroom	50m ²											
2 bedroom	70m ²											
3 bedroom	90m 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 <p>Habitable rooms are provided with windows of sufficient glass areas.</p>										
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		Complies <p>Habitable rooms are generally limited to 2.5m x the ceiling height.</p>										
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		Complies <p>Habitable room depth is generally limited to 8m in open plan layouts.</p>										
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)		Complies										

Provisions			Comment															
			Bedrooms are of sufficient size.															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)			Complies Bedrooms have a minimum dimension of 3m.															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">- 3.6m for studio and 1 bedroom apartments- 4m for 2 and 3 bedroom apartments			Complies Sufficient widths are provided to living rooms/dining rooms.															
4E Private Open Space and Balconies																		
All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m²</td><td>2.4</td></tr></table> The minimum balcony depth to be counted as contributing to the balcony area is 1m			Dwelling Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3 bedroom	12m ²	2.4	Complies The development provides for sufficient balcony size and depths.
Dwelling Type	Minimum Area	Minimum Depth																
Studio	4m ²	-																
1 bedroom	8m ²	2m																
2 bedroom	10m ²	2m																
3 bedroom	12m ²	2.4																
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m			N/A															
4F Common Circulation and Spaces																		
The maximum number of apartments off a circulation core on a single level is eight			Complies The maximum number of units off a circulation core is 5.															
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40			Complies															

Provisions		Comment										
		3 Lifts proposed in development for the residential units providing access to different section of the buildings and allowing for the maximum number of units sharing a single lift to be less than 40.										
4G Storage												
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling Type</th><th>Storage Size Volume</th></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3 bedroom</td><td>10m³</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p>		Dwelling Type	Storage Size Volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3 bedroom	10m ³	Complies <p>Sufficient storage space is provided within each unit and within the storage room on level 2. At least 50% is provided within the units.</p>
Dwelling Type	Storage Size Volume											
Studio	4m ³											
1 bedroom	6m ³											
2 bedroom	8m ³											
3 bedroom	10m ³											
4H Acoustic Privacy												
Noise transfer is minimised through the siting of buildings and building layout	Noise impacts are mitigated within apartments through layout and acoustic treatments	Complies <p>The development is in accordance with the objectives.</p>										
4K Apartment Mix												
A range of apartment types and sizes is provided to cater for different household types now and into the future	The apartment mix is distributed to suitable locations within the building	Complies <p>A range of apartment types are provided and located throughout the building. Apartment mix is provided by 15% 1 bedroom, 75% 2 bedroom and 10% 3 bedrooms.</p>										
4L Ground Floor Apartments												
Street frontage activity is maximised where ground floor apartments are located		N/A										

Provisions	Comment
Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
Building facades provide visual interest along the street while respecting the character of the local area	Complies The overall design including building façade provides an element of visual interest, provides for a composition of varied building elements, and allows for a clear differentiation between the podium and tower elements of the development. It incorporates well composed vertical and horizontal elements.
Building functions are expressed by the facade	
4N Roof Design	
Roof treatments are integrated into the building design and positively respond to the street	Complies The proposed roof is well integrated into the building design.
Opportunities to use roof space for residential accommodation and open space are maximized.	
Roof design incorporates sustainability features	
4O Landscape Design	
Landscape design is viable and sustainable	Complies The development is in accordance with these objectives.
Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
Appropriate soil profiles are provided	Complies The development is in accordance with these objectives.
Plant growth is optimised with appropriate selection and maintenance	
Planting on structures contributes to the quality and amenity of communal and public open spaces	

Provisions	Comment
4Q Universal Design	
Universal design features are included in apartment design to promote flexible housing for all community members	Complies The development is in accordance with these objectives.
A variety of apartments with adaptable designs are provided	
Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not Applicable The DA is for the development of a new building and not the adaptive reuse of an existing building.
Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Complies The proposed development is located within the Liverpool City Centre in an area zoned for mixed use development. The development takes advantage of its unique location and provides a development that addresses both street frontages. The development limits the amount of blank walls proposed and incorporates a large amount of articulation. Entries to the residential portion of the development is separated from the commercial entries, however still well integrated within the building design.
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	

Provisions	Comment
4T Awnings and Signage	
Awnings are well located and complement and integrate with the building design	Complies Awnings are provided to entries for wet weather protection.
Signage responds to the context and desired streetscape character	Complies Building address signage is integrated into the building design.
4U Energy Efficiency	
Development incorporates passive environmental design	Complies The development is in accordance with these objectives.
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
Potable water use is minimised	Complies Potable water use is minimised and water efficient devices will be provided in accordance with the requirements of the BASIX certificate.
Urban stormwater is treated on site before being discharged to receiving waters	Complies This aspect has been reviewed by Council's Land Development Engineers who have raised no issues subject to conditions.
Flood management systems are integrated into site design	N/A
4W Waste Management	
Waste storage facilities are designed to minimise impacts on the streetscape, building	Complies

Provisions	Comment
entry and amenity of residents	Waste storage facilities are provided for both the residential and commercial elements of the development on the ground floor and is well screened from the public street. It is well separated from the residential portion of the development and will have minimal impact on the residents. It is also suitably located for the commercial tenancies and is easily accessible. Garbage shoots are also provided for the residential portion of the development to allow for the easy disposal of garbage from the upper levels.
Domestic waste is minimized by providing safe and convenient source separation and recycling	
4X Building Maintenance	
Building design detail provides protection from weathering	Complies The development is in accordance with these objectives
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

Variation to 2F – Building Separation and 3F Visual Privacy

As indicated in the above table the development proposes a partial non-compliance with regards to Section 2F – Building Separation and 3F – Visual Privacy for portions of the proposed building on levels 5 and 9.

Level 5

With regards to parts of the building between 5 to 8 storeys, section 2F – Building Separation of the ADG requires a minimum building separation of 18m between habitable rooms/balconies from adjoining buildings. It is generally accepted that the building separation is evenly divided up across boundaries, therefore requiring a 9m setback to the northern boundary.

Similarly to the above clause, section 3F – Visual Privacy of the ADG requires a minimum 9m separation distance to the side and rear boundaries for parts of the building between 5 to 8 storeys.

A portion of the balcony of unit 506 on level 5 encroaches on the 9m setback by 3m and thus provides a northern boundary setback of 6m instead of 9m. The extent of non-compliance is detailed in the figure below;

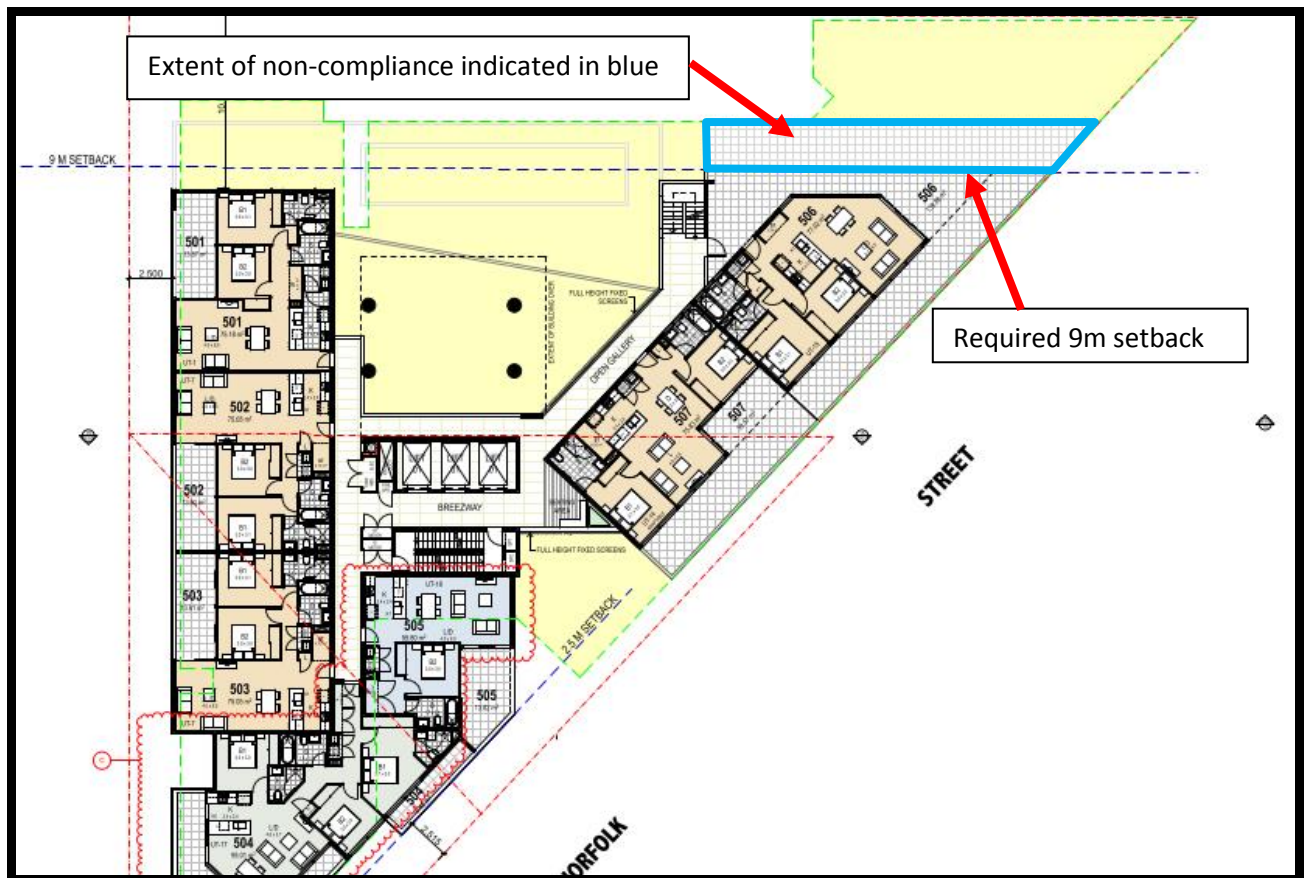


Figure 13: Extent of balcony non-compliance

The variation to Section 2F and 3F is worthy of support in this instance for the following reasons;

- 1) The balcony has been designed to accommodate the irregular shape of the allotment.
- 2) The balcony provides for a large balcony (144sqm) in excess of the ADG requirements of 10sqm with a northerly aspect, which enables the provision of a large and functional balcony area with optimum solar access for use by future residents.
- 3) The balcony is well integrated into the building design and does not create a detrimental impact in term of aesthetics on the street scape or additional overshadowing on adjoining properties.
- 4) To alleviate potential privacy impacts on adjoining properties to the north, a condition of consent will be imposed requiring 1m wide planter boxes be provided along the northern portion of the balcony of unit 506 to eliminate potential of overlooking. The

planter boxes are to incorporate suitable screening plants to alleviate potential amenity impacts on the adjoining site.

- 5) The majority of the balcony being 58.5% is located within the 9m setback and complies with the ADG requirements.

Having regard to the above it is considered that with the imposition of conditions to ensure privacy, the partial non-compliance of the balcony is considered worthy of support in this instance.

Level 9

With regards to parts of the building between 9 storeys and over, section 2F – Building Separation of the ADG requires a minimum building separation of 24m between habitable rooms/balconies from adjoining buildings. It is generally accepted that the building separation is evenly divided up across boundaries, therefore requiring a 12m setback to the northern boundary.

Similarly to the above clause, section 3F – Visual Privacy of the ADG requires a minimum 12m separation distance to the side and rear boundaries for parts of the building 9 storeys and over.

A portion of the building containing the common open space on Level 9 encroaches on the minimum 12m setback by 3m. The extent of non-compliance is detailed in the figure below;

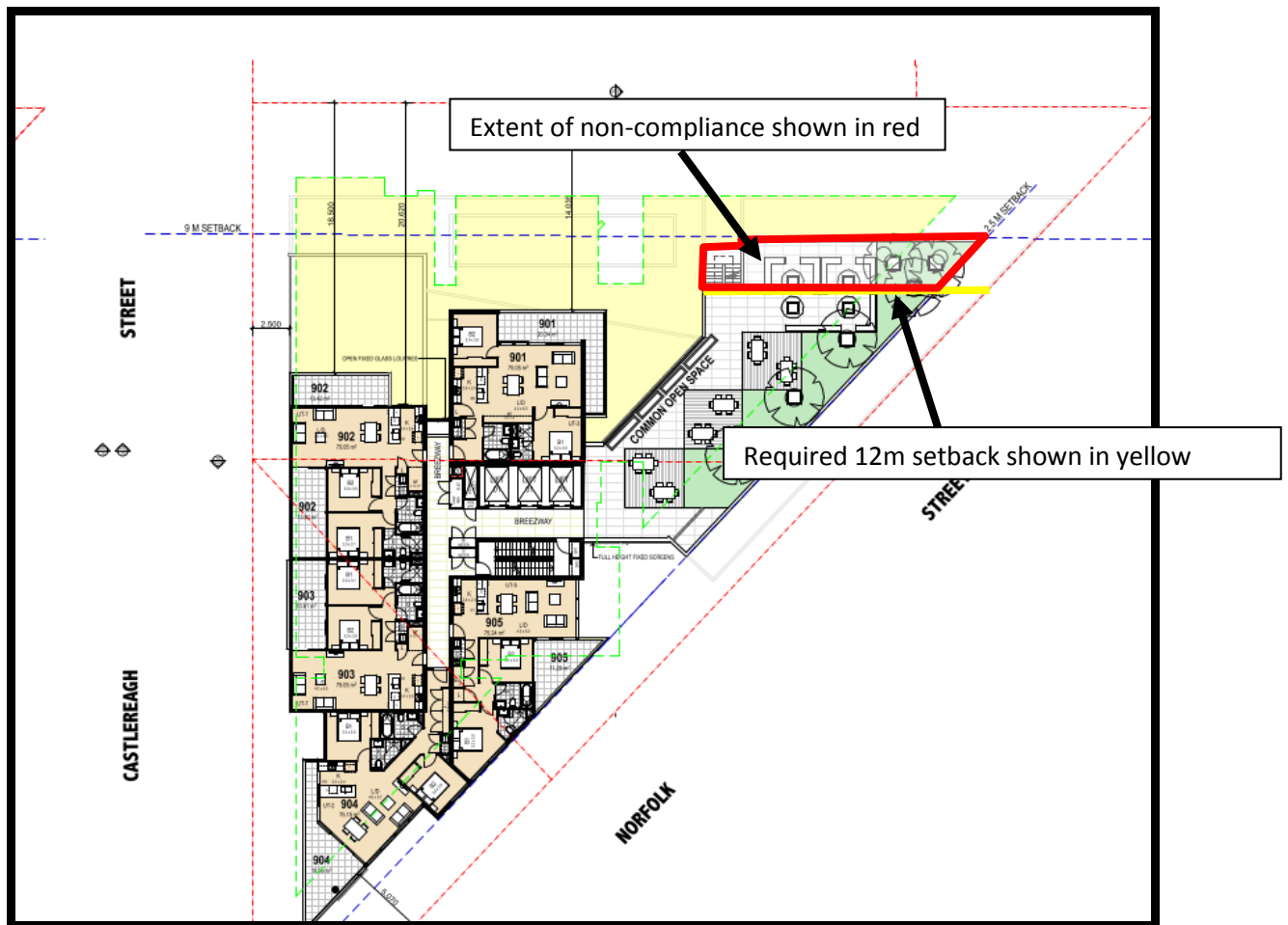


Figure 14: Extent of Communal Open Space non-compliance

The variation to Section 2F and 3F is worthy of support in this instance for the following reasons;

- 1) The communal open space has been designed to accommodate the irregular shape of the allotment.
- 2) The communal open space has been designed to provide a suitable area for residents to congregate and participate in social activities on a podium level that cannot be provided on the ground level.
- 3) The common open space is orientated to the north to optimise the solar access to the common open space area.
- 4) The common open space is well integrated into the building design and does not create a detrimental impact in term of aesthetics on the street-scape or additional overshadowing on adjoining properties.
- 5) To alleviate potential privacy impacts on adjoining properties to the north a condition of consent will be imposed requiring a 1.8m high angled louvered privacy screen be provided along the northern portion of the communal open space to eliminate potential of overlooking.

- 6) The majority of the common open space area being 79.5% is located within the 12m setback and complies with the ADG requirements.

Having regard to the above it is considered that with the imposition of conditions to ensure privacy the partial non-compliance of the common open space is considered worthy of support in this instance.

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.

Comment: As part of the assessment of the application a Phase 1 Contamination Assessment, prepared by Douglas Partners, reference No.44224 dated September 2006, was submitted with the application. The Phase 1 assessment concluded that given the extent of proposed excavations, the site would be rendered suitable for the proposed development and that no additional remediation or site investigation works were warranted.

Due to the time lapse between the present time and the date of the Phase 1 contamination assessment submitted, Council requested a supplementary contamination assessment be provided to determine if any changes at the site since 2006 has affected the validity of the earlier findings. Consequently a further supplementary assessment was submitted, prepared by Douglas Partners, reference No.44224.01 dated 24 March 2017. The scope of works of the supplementary report included a review of: previous historical data; current site records; aerial photographs; and site inspection

A comparison between the earliest available Nearmap image (2009) and 2002 aerial imagery (from the 2006 report) revealed no significant changes at the site. The consultant also confirmed that there is no apparent cut and fill operations undertaken on-site. A more recent review of the NSW EPA's records indicated that there are no licences or notices issued for the site under the POEO Act 1997 and/or notices or orders under the Contaminated Land Management Act 1997.

Douglas Partners Pty Ltd also indicated that laboratory results complied with the site assessment criteria except for a TPH exceedance in sample BH4A/0.1. The consultant stated that filling in this area was relatively shallow (0.2 m) and any surficial contaminants

would be removed from the site during bulk earthworks. Consequently, Douglas Partners Pty Ltd reported that the conclusions and recommendations of the previous PSI Report 44224 (DP 2006) were still valid and that site conditions remained unchanged, from a contamination perspective, since 2006.

Council's Environmental Health Officer have reviewed the aforementioned reports including the Preliminary Site Investigation and supplementary report and is satisfied that the proponent addressed the requirements of Clause 7 of State Environmental Planning Policy No. 55- Remediation of Land.

As part of this review, Council's Environment and Health Section considered whether the land is contaminated and is satisfied that the land will be made suitable for the purpose for which the development is proposed to be carried out as a result of the proposed earthworks. The land to be developed as part of this Application does not require additional remediation as surficial contamination will be removed during site preparation works.

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,	The submitted contamination assessment identified that the extent of the proposed excavation will render the site suitable and remove all contaminants
(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	The submitted contamination assessment concluded that with the level of excavation proposed all potential contaminants will be removed and the site will be made suitable for the proposed development.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land will be made suitable for the proposed development.

Based on the above Council is satisfied that in accordance with clause 7 of SEPP 55, the site will be suitable for the proposed development.

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

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

State Environmental Planning Policy (Infrastructure) 2007

Due to the proximity of the development site to the Hume Highway located west of the

subject site, clause 102 of the Infrastructure SEPP must be considered. Clause 102 of the Infrastructure SEPP states the following;

- (1) *This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*

- (a) a building for residential use,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or child care centre.*

Comment: The subject site is located approximately 120m east of the Hume Highway. Due to the height of the building there will be a direct line of sight from the proposed building to the Hume Highway. Due to the fact there is a direct line of sight from the proposed building to the Hume Highway which has an annual daily traffic volume of the of more than 40,000 and the speed limit of the Hume Highway is between 60km/hr and 70km/hr, the Interim Guideline For Development Near Rail Corridors and Busy Roads warrants an acoustic report be prepared to address the relevant provisions of clause 102(3) of the Infrastructure SEPP.

- (2) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*

Comment: Council has considered the relevant provisions of the Interim Guideline for Development Near Rail Corridors and Busy Roads and the NSW EPA's Industrial Noise Policy.

- (3) *If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Comment: An Acoustic Report prepared by Acouras Consultancy, reference SYD2017-1021-R001B, dated 27/03/2017, was submitted with the proposal. The acoustic report was provided to assess potential noise impacts associated with the proposed development.

Acouras Consultancy gave consideration to the NSW EPA's Industrial Noise Policy and NSW Department of Planning guideline titled 'Development Near Rail Corridors and Busy Roads'. This guideline supports specific rail and road provisions of the State Environmental Planning Policy (Infrastructure) 2007.

Site assessment criteria for the residential development was derived from the aforementioned guideline. In addition, internal design noise levels were adopted from AS/NZS 2107-2000. An unattended noise survey was conducted between 22nd February 2017 and 2nd March 2017. During the measurement period, the Rating Background Levels were 48 dB(A) during the day, 46 dB(A) during the evening and 45 dB(A) at night. Amenity criteria for commercial tenancies was also obtained from the NSW EPA's Industrial Noise Policy.

Noise mitigation measures comprising specific glazing and building construction requirements were proposed to achieve the internal design noise levels. It was indicated that mechanical services were to be finalised in consultation with a suitably qualified and experienced acoustic consultant during the detailed design stage. Acouras Consultancy confirmed that the proposed development would comply with the assessment criteria provided that their recommendations were implemented during design and construction of the premises.

Council's Environmental Health Section assessed the submitted acoustic report and were satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded: in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am; and anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time as required by State Environmental Planning Policy (Infrastructure) 2007.

Given the above it is considered that the proposed development has demonstrated compliance with clause 102 of the Infrastructure SEPP.

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
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application
(a) the aims, objectives and planning principles of this plan	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan,	The proposal provides soil and erosion

development or activity on adjacent or downstream local government areas	control measures.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries	The proposal provides a stormwater management system that will connect to the existing system. A Stormwater concept plan also outlines proposed sediment and erosion control measures.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments)	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning)	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice	All relevant State Government Agencies were notified of the proposal and all relevant State Government Policies, manuals and guidelines were considered as part of the proposal.
(g) whether there are any feasible alternatives to the development or other proposal concerned	The site is located in an area nominated for mixed use development and provides for a development that is consistent with the objectives of the applicable zoning and is consistent with the desired future character of the surrounding locality.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The site is not affected by acid sulphate soils.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site is not affected by flooding.

(4) Industrial discharges	Not applicable. The site has been used for commercial purposes previously.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services.
(10) Urban development areas	<p>The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy.</p> <p>The site is not identified as being an Urban Release Area under LLEP 2008.</p>
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	A drainage plan proposes stormwater connection to existing services.
(13) Wetlands	Not applicable.

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

Liverpool Local Environmental Plan 2008

The proposed development is for a *mixed use development* which is defined as follows:

A building or place comprising 2 or more different land uses.

The development will be composed of two land uses being a *residential flat buildings* coupled with *commercial premises* on the ground floor.

These land uses are defined as follows:

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

commercial premises means any of the following:

- (a) business premises,*
- (b) office premises,*
- (c) retail premises.*

Residential flat buildings and commercial premises are permissible land uses within the B4 zone.

Zone Objectives

The objectives of the B4 zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential and other accommodation in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.*
- *To facilitate a high standard of urban design, convenient urban living and exceptional public amenity.*

The proposal satisfies the above objectives of the B4 zone as follows:

- The proposal will provide for a mixture of land uses being residential and commercial.
- The site is within close proximity to public transport.
- The proposal will provide for residential accommodation and future commercial development on the ground floor.
- The proposal has demonstrated a high standard of urban design.

Principal Development Standards

The following principal development standards are applicable to the proposal:

Clause	Provision	Comment
Clause 2.7 Demolition Requires Development Consent	The demolition of a building or work may be carried out only with development consent.	Complies Consent is sought for the demolition of existing buildings.
Clause 4.3 Height of Buildings	Maximum height of 80m	Complies The proposed building is a maximum of 80m in height

Clause 4.4 Floor Space Ratio	Maximum FSR of 5.09:1 which equates to a maximum GFA of 10,740m ²	Complies The development provides an FSR of 5.09:1, which equates to a GFA of 10,739m ² .
Clause 5.10 Heritage Conservation	Development proposed within the vicinity of a heritage item must be accompanied by a heritage management document to assess the impact of the heritage significance of the heritage item.	Complies A statement of heritage impact prepared by archaeomar, dated 31 August 2015 was submitted. Council's Heritage Officer reviewed the impact statement and the proposal and it was concluded that the proposed building responds to the heritage item No.77 and will not create a detrimental impact on the heritage significance of the heritage. It was found that the proposed development does provide a gesture in terms of scale and building materials to the listed heritage item across Castlereagh Street. It is evident from the above comments of Council's heritage Officer detailed previously in this report that given the location and scale of the proposal simple gestures are warranted in this context. Therefore it is considered the proposed development effectively responds to the listed heritage item and is worthy of support in this instance.
7.1 Objectives for Development in Liverpool City Centre	Proposed developments must be consistent with the objectives	Complies Refer to discussion below
7.2 Sun access in Liverpool City Centre	Development on land to which this clause applies is prohibited if the development results in any part of a building on land specified in Column 1 of the Table to this clause projecting above the height specified opposite that land in Column 2 of the Table	N/A This clause does not encompass the subject site.

<p>Clause 7.4 Building Separation in Liverpool City Centre</p>	<p>Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least:</p> <ul style="list-style-type: none"> - 12 metres for parts of buildings between 25 and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and - 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use 	<p>Complies</p> <p>There are no buildings to the west and north of the site that exceed the 25m height limit. As such there is currently no requirement to comply with this clause in this instance.</p> <p>Notwithstanding this the proposed building is located a minimum 22.81m from the nearest lot boundary to the west across Castlereagh Street. Therefore if a building of a similar scale was proposed then the minimum building separation stipulated in this clause can be achieved.</p> <p>Similarly the adjoining building to the north does not exceed the height of 25m. However the proposed development provides for a minimum 6m northern boundary setback from ground level to level 4, a 9m setback from levels 5 to 9 and a 14m setback for the remaining levels except for minor encroachments on Levels 5 and 9 as detailed in the SEPP 65 assessment. As such if a building was to be constructed on the northern adjoining site of a similar scale then the required building separation of 12m can be achieved between the heights of 25m and 45m if the same boundary setbacks of a minimum 6m is proposed.</p> <p>Similarly if a building greater than 45m in height is proposed on the adjoining northern lot, then a building separation of 28m can be achieved if the adjoining property incorporates a 14m setback, same as the proposed building.</p> <p>A building separation in excess of 12m is provided to the adjoining buildings to the east across Norfolk Street between the heights of 24-45m and a building separation in excess of 24m is provided to the buildings across Norfolk Street for the portions of the buildings in excess of 45m in height.</p>
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Clause 7.14 Minimum Building Street Frontage	A minimum building street frontage of 24m is applicable.	Complies Both street frontage exceed 24m.
Clause 7.17 Airspace Operations	Provisions to protect airspace around airports	Complies An airport obstacle height limit of 140m AHD applies to the site. The development is well below the obstacle height limit and will therefore not intrude into the air space.

(i) Other Relevant LLEP 2008 Clauses

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

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

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

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

Comment: The development provides building alignment which is consistent with the irregular shape of the allotment. The proposal provides for a building envelope that takes advantage of the site location at the intersection of 2 streets and creates a sense of prominence by concentrating the tower element as close as possible to the intersection. The proposed development is consistent with the desired future character of the street, particularly when having regard to the proposed buildings under construction surrounding the site and the maximum height and FSR permissible.

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

Comment: The proposed development provides for a building envelope that enables the achievement of appropriate solar access requirements pursuant to SEPP65, ADG, LLEP2008 and LDCP 2008 for adjoining buildings. The proposal allows for the provision of a minimum 2 hours of solar access between 9am and 3pm at the solstice

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

Comment: The development does not create pedestrian and traffic conflicts on the Hume Highway.

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

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

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

Comment: The development will have no direct impact on the physical area surrounding the Liverpool Railway Station.

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

Comment: The development will have no direct impact on the river foreshore. The impact of the development of the adjoining heritage item has been considered and is deemed to be acceptable.

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

Comment: The development will have no direct physical relationship with the Georges River foreshore.

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

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

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

In conclusion, the overall development satisfies the LLEP 2008 design excellence provisions and demonstrates design excellence.

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

The following draft Environmental Planning Instruments applies to the site

a) Draft LLEP 2008 Amendment 52 – Liverpool City Centre

The subject site is within the area of the City Centre that is subject to an amendment to the LLEP 2008, known as LLEP Amendment No.52. Amendment 52 introduces several new

provisions for certain sites within the City Centre. The primary amendment involves the change from B3 to B4 zoning and the introduction of an “opportunity site” provision that enables sites with multiple frontages, in excess of 1500sqm to propose a development with an FSR of up to a maximum 10:1 with no applicable height limit.

A development application that proposes the additional FSR and height is subject to Council approval of a staged development application being a master plan and the requirement to provide a public benefit in accordance with council’s Planning Agreement Policy.

The subject site is not lodged pursuant to Amendment 52, however the site has the characteristics required to qualify for an opportunity site under the amendment. The proposed development is not inconsistent with the provisions of amendment 52 and is compliant with the current development standards of the LLEP 2008.

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

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

The following compliance table outlines compliance with these controls.

LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment
Section 2. Tree Preservation	Controls relating to the preservation of trees	Not Applicable The site does not contain any vegetation requiring removal.
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies The landscape plan has been reviewed by Council’s Landscape Officer, who has raised no issues with the design.
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.
Section 5. Bush Fire	Controls relating to development on bushfire	Not Applicable The development site is not identified as

Development Control	Provision	Comment
Risk	prone land	being bushfire prone land.
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions.
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Not Applicable The development site is not within close proximity to a water course.
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Not Applicable The development site is not identified as flood prone land.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies As discussed within this report, the subject site is considered to be suitable for the proposed development.
Section 11. Salinity Risk	Provisions relating to development on saline land.	Not Applicable The development site is identified as containing a low salinity potential. Therefore, a salinity management response plan is not required.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The site is not identified as containing the potential for acid sulphate soils.

Development Control	Provision	Comment
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Complies Appropriate conditions of consent will be imposed to ensure demolition works are undertaken appropriately.
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable OSMS is not proposed.
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Not Applicable The site is not identified as having archaeological potential in accordance with the Liverpool Archaeological Zoning and Management Plan 1996, prepared by Casey and Lowe.
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Complies As discussed within this report, the potential impact of the proposed development on the Heritage item No.77 is considered to be acceptable.
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was not required to be notified in accordance with the LDCP 2008.
Section 19. Used Clothing Bins	Provisions relating to used clothing bins.	Not Applicable The DA does not propose used clothing bins.
Section 20. Car Parking and Access	Residential Development Car Parking Requirements:	Complies <u>Residential</u> The following parking is required:

Development Control	Provision	Comment
	<ul style="list-style-type: none"> - 1 space per two studio apartments; - 1 space per one bedroom or two bedroom apartments - 1.5 spaces per three of more bedroom units - 1 space per 10 units or part thereof, for visitors - 1 space per 40 units for service vehicle (including revivalist vans and car washing bays), up to a maximum of 4 spaces per building). 	<ul style="list-style-type: none"> - 19 x 1 bedroom units requires 19 spaces - 97 x 2 bedroom units requires 97 spaces - 13 x 3 bedroom units requires 19.5 spaces <p>A total of 136 spaces required for the residential units</p> <p><u>Visitor/Service Vehicles</u></p> <ul style="list-style-type: none"> - 129 residential units requires 13 visitor spaces - 3 carwash/service bays are required. <p><u>Provided</u></p> <p>The following parking is provided:</p> <ul style="list-style-type: none"> - 149 spaces for residential units - 13 spaces for visitors - 3 large service bays including a loading bay have been provided. <p>Comment: The proposed development provides 13 residential spaces over the requirement. As such a condition will be imposed requiring 13 residential car spaces from basement 4 to be converted to storage spaces prior to the issue of a construction certificate.</p>
	<p>Commercial Parking in the CBD:</p> <ul style="list-style-type: none"> - 1 space per 100m² <p>Sufficient service and delivery vehicle parking adequate to provide for the needs of the development.</p>	<p>Complies</p> <p>A total of 670m² of commercial space is provided. This equates to a requirement of 7 spaces.</p> <p>12 spaces have been provided for the specific use of the commercial tenancies within basement 1.</p> <p>Comment: It is noted that there is a surplus of 5 commercial parking space. As such a condition will be imposed requiring the 5 commercial spaces within basement 1 be removed and replaced with storage area prior to the issue of a construction certificate</p>

Development Control	Provision	Comment
	Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces	<p>Complies</p> <p>A total of 174 (excluding service bays) parking spaces are required/provided which equates to 9 motorcycle spaces.</p> <p>A total of 16 motorcycle spaces have been provided.</p>
	Provide 2% of the total demand generated by a development, for parking spaces accessible, designed and appropriately signposted for use by persons with disabilities.	<p>Complies</p> <p>In excess of 2% of the total demand generated is provided for accessible parking and is clearly signposted for use by persons with disabilities.</p>
	<p>1 bicycle space per 200m² of gross floor area.</p> <p>15% of this requirement is to be accessible to visitors</p>	<p>Complies</p> <p>A total GFA of 10,740m² is provided, therefore 54 bicycle spaces (including 8 accessible to visitors) shall be provided. A total of 59 bicycle spaces are provided as follows:</p> <p>Basement Level 1 – 12</p> <p>Basement Level 2 – 10</p> <p>Basement Level 3 – 10</p> <p>Basement Level 4 - 27</p>
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	<p>Not Applicable</p> <p>The DA does not propose the subdivision of land.</p>
Section 22. and Section 23 Water Conservation and Energy	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building	<p>Complies</p> <p>Conditions of consent will be imposed to ensure compliance with the BASIX commitments.</p>

Development Control	Provision	Comment
Conservation	Sustainability Index (BASIX).	
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	<p>Complies</p> <p>During Construction:</p> <p>A waste management plan has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction.</p> <p>On-going Waste Management:</p> <p>Residents will dispose their garbage in the waste chute located in a designated room on each level of each building.</p> <p>A separate commercial and residential bin storage room on the ground floor will store the waste generated by the development</p>
Section 26 Outdoor Advertising and Signage	Provisions relating to signage.	<p>Not Applicable</p> <p>The DA does not propose any signage.</p>
Section 27. Social Impact Assessment	A social impact comment shall be submitted for residential flat buildings greater than 20 units.	<p>Complies</p> <p>The application was accompanied by a comprehensive social impact comment.</p>

LDCP 2008 Part 4: Liverpool City Centre

Development Control	Provision	Comment
Section 2 Controls for Building Form		
Building Form	Street building alignment and street setbacks applicable to the site is a 2-2.5m setback to Castlereagh Street and a nil setback to Norfolk Street	<p>Complies</p> <p>The development provides for a minimum 2.5m setback from Castlereagh Street and a nil setback from Norfolk Street.</p>

Development Control	Provision	Comment
	The external facades of buildings are to be aligned with the streets that they front.	Complies The external facades align with the streets that they front.
	Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible.	Not Applicable No projections proposed.
Street Frontage Height	A street frontage height (SFH) of 16-26m (4 to 6 storeys) is required for both Castlereagh and Norfolk Street.	Complies The proposed development has a street frontage height of 6 storeys.
Building Depth and Bulk	Maximum floor plate size of 700m ² (GFA) and building depth of 24m (excluding balconies) is required above SFH for residential uses.	Complies The proposal provides a floor plate size less than 700m ² and a depth of less than 24m
Boundary Setbacks and Building Depth and Bulk	<p><u>Front Setback</u></p> <p><u>Commercial Uses</u></p> <p>The commercial uses on ground and level 1 have to comply with the SFH setback requirement of 2.5m from Castlereagh and a Nil Setback from Norfolk Street</p>	<p>Complies</p> <p><u>Commercial Uses</u></p> <p>The commercial uses comply with this setback requirement as detailed above in the table</p>

Development Control	Provision	Comment
	<p><u>Residential uses</u></p> <ul style="list-style-type: none"> Between 12 – 25m = 6m Between 25-45m = 6m Over 45m = 6m 	<p>Non-compliance</p> <p><u>Residential Uses</u></p> <p>Given the fact the subject site runs between two streets being Castlereagh and Norfolk Street a front setback of 6m from both street frontages is required. However the proposed development provides the following setbacks</p> <p><u>Between 12-25m</u></p> <p>a) Castlereagh Street = 2.5m</p> <p>b) Norfolk Street = Ranges from Nil – 2.5m</p> <p><u>Between 25-45m</u></p> <p>a) Castlereagh Street = 2.5m</p> <p>b) Norfolk Street = 2.5m</p> <p><u>Over 45m</u></p> <p>a) Castlereagh Street = 2.5m</p> <p>b) Norfolk Street = 2.5m</p> <p>Refer to discussion below regarding the merits of the non-compliance</p>
<p>Boundary Setbacks and Building Depth and Bulk</p>	<p><u>Side Setback</u></p> <p>Residential uses</p> <ul style="list-style-type: none"> Between 12 – 25m = 9m in total and 4.5m when divided across boundaries. Between 25-45m = 12m in total and 6m when divided across boundaries Over 45m = 16m in total 	<p>Complies</p> <p>Residential Uses</p> <ul style="list-style-type: none"> Between 12-25m = 6m Between 25-45m = 6m

Development Control	Provision	Comment
	<p>and 8m when divided across boundaries</p> <p>Note: It is generally accepted that the setbacks are divided evenly across boundaries to avoid the onus of the entire required setback to be placed on the one property.</p>	<ul style="list-style-type: none"> Over 45m = 14m
Mixed Use Buildings	<p>The ground floor component of a mixed-use building is to be used for a permitted non-residential use.</p> <p>Ground floor of all mixed-use buildings is to have a minimum floor to ceiling height of 3.6m. Above ground level are to have a floor to ceiling height of 3.3m</p>	<p>Complies</p> <p>The ground floor component of the development is reserved for commercial uses in accordance with the requirements of the LLEP 2008.</p> <p>The ground floor commercial and first floor commercial have a floor to ceiling height in excess of 3.6m</p>
	<p>Provide flexible building layouts which allow variable tenancies or uses on the first floor of a building above the ground floor in the Mixed Use zone</p>	<p>Complies</p> <p>Flexible building layouts are provided.</p>
	<p>Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook.</p>	<p>Complies</p> <p>A loading dock at grade is provided for the commercial tenancies and service bays are provided within the basement for residential use.</p>
Deep Soil Zones	<p>Where non-residential development results in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided must be provided on structure, in accordance with the</p>	<p>Complies</p> <p>Refer to “planting on structure” assessment below</p>

Development Control	Provision	Comment
	provisions of section 2.5 “planting on structures”. In such cases, compensatory stormwater management measures must be integrated within the development to minimise stormwater run-off.	
Landscape Design	<p>Landscaped areas are to be irrigated with recycled water.</p> <p>Landscape species are to be selected in accordance with Council’s schedule of Preferred Landscape Species.</p> <p>Remnant vegetation must be maintained throughout the site wherever practicable.</p> <p>A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline how landscaped areas are to be maintained for the life of the development.</p> <p>Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice).</p>	<p>Complies</p> <p>This aspect has been reviewed by Council’s Landscape Officer and the DEP who have raised no issues with the landscaping design.</p>
Planting on Structures	Areas with planting on structures are to be irrigated with recycled water.	<p>Complies</p> <p>The landscape plan has been reviewed by Council’s Landscape Officer, who has raised no issues in regards to this aspect.</p>
	Design for optimum	

Development Control	Provision	Comment
	<p>conditions for plant growth by:</p> <ul style="list-style-type: none"> - providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, - providing appropriate soil conditions and irrigation methods, and providing appropriate drainage. - Design planters to support the appropriate soil depth and plant selection by ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and providing square or rectangular planting areas rather than narrow linear areas. 	<p>The landscape plan provided has not been updated to reflect the new building design, as such a condition of consent will be imposed requiring an updated landscape plan be provided to coincide with the latest architectural plans for Council endorsement prior to the issue of a Construction Certificate.</p>
	<p>Increase minimum soil depths in accordance with:</p> <ul style="list-style-type: none"> - the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, - the level of landscape management, particularly the frequency of irrigation, - anchorage requirements of large and medium trees, and soil type and quality. 	
	<p>Provide sufficient soil depth</p>	

Development Control	Provision	Comment
	<p>and area to allow for plant establishment and growth. The following minimum standards are recommended:</p> <ul style="list-style-type: none"> - Large trees (over 8m high) minimum soil depth 1.3m, minimum soil volume 150m³ - Medium trees (2 – 8m high), minimum soil depth 1m, minimum soil volume 35m³ - Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m³ - Shrubs and ground cover, minimum soil depth 0.5m, no minimum soil volume. 	
Amenity		
Pedestrian Permeability	Provisions relating to through site links.	<p>Not Applicable</p> <p>The site is not identified as a 'through site' requiring a pedestrian link.</p>
Active Street Frontages	Mixed use developments are to provide active street frontages for the non-residential portion of the development on the ground floor	<p>Complies</p> <p>The proposal provides for active street frontages on both Norfolk Street and Castlereagh Street. The proposal provides for direct off street access to both commercial tenancies from both street frontages. It provides for a development that addresses both street frontages which enables the provision of casual and passive surveillance of the street.</p>
Front Fences	Controls relating to front fences	<p>Not Applicable</p> <p>Front fences are not proposed.</p>
Safety and	Address 'Safer-by-Design'	Complies

Development Control	Provision	Comment
Security	principles to the design of public and private domain, and in all developments (including the NSW Police 'Safer by Design' crime prevention though environmental design (CPTED) principles).	The proposed development is considered to be satisfactory in relation to the safer by design principles.
	Ensure that the building design allows for passive surveillance of public and communal spaces, access ways, entries and driveways.	Complies The design of the development allows for passive surveillance of access ways and driveways.
	Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks.	Complies The development does not create any blind corners or dark alcoves.
	Maximise the number of residential 'front door' entries at ground level.	Complies Multiple entrances are provided for residents.
	Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.	Complies The front entrance is orientated to the street and are easily identifiable.
Awnings	Wet weather protection to be provided to all entrances	Complies Wet weather protection is provided to the entrances.
Vehicle Footpath Crossings	No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified within the LDCP2008.	Complies Only one vehicle entry point is provided, which is from Castlereagh Street

Development Control	Provision	Comment
Pedestrian Overpasses and Underpasses	Provisions relating to overpasses and underpasses.	Not Applicable No pedestrian overpasses and underpasses are proposed.
Building Exteriors	Balconies and terraces should be provided, particularly where buildings overlook public spaces.	Complies The proposed development will provide balconies that overlook the street.
	<p>Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of:</p> <ul style="list-style-type: none"> - appropriate alignment and street frontage heights, - setbacks above street frontage heights, - appropriate materials and finishes selection, - facade proportions including horizontal or vertical emphasis, and - the provision of enclosed corners at street intersections. 	Complies The proposed development has been considered by Council's Heritage Officer and found to be acceptable in terms of impact on the adjoining heritage item.
	Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.	Complies The proposed development will have articulated facades.
	Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage.	Complies The building frontage does not contain any blank walls.

Development Control	Provision	Comment
	Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.	Complies Highly reflective materials will not be used.
	A materials sample board and schedule is required to be submitted with applications for development over \$1million or for that part of any development built to the street edge.	Complies A colour schedule as well as 3D modelling has been provided which gives a clear indication of the colour and types of materials that will be used.
	Roof top structures, such as air conditioning, lift motor rooms, and the like are to be incorporated into the architectural design of the building.	Complies Roof top structures are incorporated within the internal design of the development and will not be visible from public view.
Corner Treatments	Buildings identified in Figures 20 and 21 are to address corner sites through architectural emphasis and use of distinguishing architectural features and materials to adjacent buildings, and an additional storey may be permitted onto the specified street frontage height range (refer to Figure 20 and Figure 6 Street Frontage Heights) below,	Not Applicable The site is not identified in Figures 20 and 21.
	Notwithstanding the above, new corner buildings opposite or adjacent to Heritage Items are to respond to the Heritage Items in terms of height, scale and proportion.	
	Notwithstanding the above,	Not Applicable

Development Control	Provision	Comment
	new corner buildings opposite or adjacent to public open space are to comply with the sun access controls as set out in <i>LLEP 2008</i> .	The site is not adjacent to public open space.
Public Artworks	Provisions relating to public artwork	Not Applicable Public artwork is not proposed.
Traffic And Access		
Pedestrian Access and Mobility	Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Complies The building entry points are clearly visible.
	The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standards.	Complies The design of the car parking facilities is in accordance with Australian Standards. The application has been reviewed by Councils Traffic and Transport Section who have responded in support, subject to conditions.
	The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	Complies Barrier free access is provided to the ground floor.
	The development must provide accessible internal access, linking to public streets and building entry points.	Complies Sufficient accessible internal access is provided to the street and building entry points.

Development Control	Provision	Comment
	Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	<p>Complies</p> <p>Durable materials will be used which include but limited to concrete footpath, paving and tiles.</p>
Vehicular Driveways and Manoeuvring Areas	<p>Driveways should be:</p> <ul style="list-style-type: none"> - 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 	<p>Complies</p> <p>The development provides a single entry/exit point off Castlereagh Street</p> <p>The driveways are located on Castlereagh Street, in order to minimise conflict with traffic.</p> <p>The driveway is located more than 10m away from the intersection.</p>
	Vehicle access is to be integrated into the building design so as to be visually recessive.	<p>Complies</p> <p>The vehicle access is appropriately located.</p>
	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.	<p>Complies</p> <p>Vehicles are able to enter and leave in a forward direction.</p>

Development Control	Provision	Comment
	Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.	Complies Conditions will be imposed regarding the approval of Section 138 Roads Act certificate and a driveway crossing application.
	Driveway widths must comply with the relevant Australian Standards.	Complies A suitable driveway width is provided which is in accordance with AS.
	Car space dimensions must comply with Australian Standard 2890.1.	Complies Car space dimensions are in accordance with AS.
	Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).	Complies The driveway grades, vehicular ramp width/grades are in accordance with relevant AS.
	Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.	Complies Access way to basement appropriately located
On Site Parking	Car Parking Requirements	Complies As discussed previously in DCP Part 1 assessment the proposed parking numbers comply
Controls for Residential Development		
Housing Choice Mix	To achieve a mix of living styles, sizes and layouts within each residential development, comply with the	Complies The apartment mix is as follows: - 19 x 1 bedroom units equates to

Development Control	Provision	Comment
	<p>following mix and size:</p> <ul style="list-style-type: none"> - studio and one bedroom units must not be less than 10% of the total mix of units within each development; - three or more bedroom units must not to be less than 10% of the total mix of units within each development, and 	<p>15%</p> <ul style="list-style-type: none"> - 97 x 2 bedroom units equates to 75%; and - 13 x 3 bedroom units equates to 10%
	<p>For residential flat buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure visitability is achieved.</p>	<p>Complies</p> <p>A minimum of 13 units are required to be adaptable. A total of 13 adaptable units are proposed which have been designed to be capable of adaptation, when required in accordance with Australian Standards.</p>
	<p>Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.</p>	<p>Complies</p> <p>Adaptable units are provided throughout various levels of the buildings. However, this is considered acceptable given that lift access is provided from the basement to the adaptable units on each level.</p>

Development Control	Provision	Comment
	The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Accessible Housing Standard (AS 4299-1995).	<p>Complies</p> <p>An access report was submitted which confirms that the adaptable units are capable of being modified, when required by the occupant, to comply with the AS 4299-1995.</p>

DCP Variation Setback

As indicated in the above table the proposed development does not comply with the front setback requirements as stipulated in the LDCP 2008 Part 4, section 2. Pursuant to the LDCP 2008, Part 4, section 2 a minimum 6m front setback is required for residential parts of the building above 12m.

The subject site runs between two street frontages being Castlereagh and Norfolk Street, as such a minimum 6m setback from both street frontages is required. The proposed development provides the following setbacks.

Between 12-25m

- a) Castlereagh Street = 2.5m
- b) Norfolk Street = Ranges from Nil – 2.5m

Between 25-45m

- a) Castlereagh Street = 2.5m
- b) Norfolk Street = 2.5m

Over 45m

- a) Castlereagh Street = 2.5m
- b) Norfolk Street = 2.5m

The variation to the front setback control is worthy of support in this instance for the following reasons;

- a) The subject site is a unique and irregular shaped triangle site, strictly imposing a front 6m setback control from both frontages will restrict the development site and will prevent the achievement of a functional development that is envisaged by the current development standards and zoning that apply to the site.
- b) Despite the non-compliance the proposed development does not create a detrimental impact in terms of overshadowing and privacy impacts on sites across Castlereagh and Norfolk Street.
- c) Notwithstanding the non-compliance the proposal provides for a building separation in accordance with the Apartment Design Guidelines (ADG), when taking into account existing developments across Norfolk Street or any potential future developments along Castlereagh Street. It is therefore considered unreasonable to impose a strictly compliant front setback control when the development has demonstrated a compliant building separation under the ADG with the current front setbacks proposed.
- d) The proposed development has demonstrated compliance with all applicable development standards under the LLEP 2008, particularly height, FSR and building separation.
- e) The proposed development has been reviewed by Council's Design Excellence Panel and considered to exhibit design excellence.
- f) The proposal has implemented a building form that complements the irregular shape of the subject site.
- g) The proposal has incorporated building elements and finishes that complement the streetscape and respond well to the adjoining heritage item across Castlereagh Street.
- h) It is considered that the proposed building is of an appropriate bulk and scale and takes advantage of its unique location at an acute intersection of two streets.
- i) Despite the non-compliance it is considered the proposal provides for an adequate level of amenity for future residents when having regard to apartment layout, location and design, solar access, natural ventilation and privacy.

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

No planning agreement relates to the site or proposed development.

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

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

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

There are no Coastal Zones applicable to the subject site.

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

(a) Natural and Built Environment

Built Environment

The proposed development is considered to have an overall positive impact on the surrounding built environment. The proposal has been designed to take into account the unique site location and has provided a mixed use development that is of an appropriate bulk and scale and consistent with the desired future character of the area.

Natural Environment

The proposed development is not considered to have a detrimental impact on the existing natural environment. The development proposal is located within a commercial zone that is fairly well developed.

(b) Social Impacts and Economic Impacts

The development is considered to result in a positive social impact by facilitating a feasible and well balanced mixed use development that will consist of commercial and housing within the City Centre in close proximity to services and public transport.

The development will result in a positive economic impact, through the provision of the commercial premises which will provide employment opportunities for the community. Additionally, employment opportunities will also be generated through the construction of the development and the on-going maintenance of the building.

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

The land is zoned for mixed use development. The proposed development is in keeping with the zones objectives and is compatible with the anticipated future character within the Liverpool City Centre.

There are no significant natural or environmental constraints that would hinder the proposed development. The proposal effectively responds to its surroundings. 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	Supported, subject to conditions.
Engineering	Supported, subject to conditions.
Health and Environment	Supported, subject to conditions.
Heritage Advisor	Supported, subject to conditions.
Traffic and Transport	Supported, subject to conditions.
Landscaping	Supported, subject to conditions.

(a) External Referrals

The following comments have been received from External agencies:

Authority	Comments
Sydney Water	Application supported
Endeavour Energy	No comments received to date.
Bankstown Airport	Application supported.
Care flight	No comments received to date.
Design Excellence Panel	Application supported.

(b) Community Consultation

The application was not notified however a submission was received during the assessment of the application. Concerns raised in the submission and the responses to these concerns are detailed below.

Concern	Council Response
The proposed development is not compatible with the character of the local area	Notwithstanding that this building will be one of the first of this scale within the immediate locality and can be considered out of character with the current developments, the proposed development has been designed to comply with the current development standards that apply to the site namely an 80m height limit and an FSR of 5.09:1. It can be assumed based on the development standards applicable to this site and the other B4 zoned sites within the immediate

	<p>locality that there is an expectation that developments of a much larger scale will encompass the surrounding area in the future. It is based on this that despite the development being out of character currently, the proposed development is consistent with the desired future character of the area and is worthy of support in this instance.</p>
Traffic Management and impact on off street parking	<p>The proposed development has provided a compliant parking arrangement in accordance with the requirements of the Liverpool Development Control Plan 2008. A traffic and parking assessment was provided with the application. The traffic assessment concluded that the traffic generation potential of the site as a consequence of the development proposal is minimal. The report also concluded that proposed development will not have any unacceptable parking or loading implications. The traffic report was reviewed by Council's Traffic Engineering Department and considered acceptable.</p>
Solar Access	<p>The proposed development has demonstrated that all adjoining properties will receive a minimum of two hours of solar access between 9am and 3pm at the solstice. This is consistent with the requirements of the Apartment Design Guidelines (ADG) that provides guidance when assessing developments of this scale. It is therefore considered that the proposal will not have a detrimental impact with regards to solar access on adjoining properties.</p>

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

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

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

7 SECTION 94 CONTRIBUTIONS

Section 94 contributions have been levied in accordance with the Liverpool Contributions

Plan 2007 – Liverpool City Centre, which is based on 3% of the cost of development.

Therefore, based on the above, the contributions payable are \$1,235,061.00. The payment of the contribution will be enforced through a condition of consent, requiring the full payment to be made prior to issue of a construction certificate.

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 mixed use development at 7-13 Norfolk Street Liverpool.
- The proposal is consistent with the objectives of the B4 – Mixed Use zone that are applicable to the site under the LLEP 2008.
- The proposal substantially complies with the provisions of the LDCP 2008. There are variations proposed to some controls, however these are considered acceptable on merit.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form is consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.
- The application was referred to a number of external authorities with no objections raised, subject to imposition of conditions.

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

9 ATTACHMENTS

1. Recommended Conditions of Consent
2. Architectural Plans
3. Acoustic Report
4. BCA Capability Report
5. Disability Access Report
6. Phase 1 Contamination Assessment
7. BCA 'Deemed-To-Satisfy Compliance Section J Report
8. Traffic and Parking Assessment

9. Updated Preliminary Site Investigation
10. Statement of Heritage Impact Report
11. Waste Management Plan