SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2016SYW156
DA Number	DA-699/2016
LGA	Liverpool City Council
Proposed Development	The application proposes the demolition of existing structures and construction of an eight storey residential flat building comprising of 93 apartments over two levels of basement parking with associated landscaping and ancillary site works.
Street Address	20-28 Copeland Street, Liverpool NSW 2170 Lots 1 (Lot 1 DP657251), 2, 3, 4 and 5 DP 38059
Applicant	Oracle Property Developments Pty. Ltd.
Land Owners	Elaine Scott, Trevot George Bradshaw, Helen Agamalis, Narendra Prakash Charan, Robert William Neeson,
Date of DA Lodgement	1 August 2016
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the Act)	The development has a CIV of $19,754,691

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

	s79C(1)(a)(iv) • No planning agreement relates to the site or proposed development. • *List any coastal zone management plan: s79C(1)(a)(v)* • The subject site is not within any coastal zone management plan. • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 • Consideration of the provisions of the Building Code of Australia.
List all documents submitted with this report for the Panel's consideration	1. Recommended conditions of consent 2. Architectural plans 3. Landscape plan 4. Photomontage images 5. Stormwater drainage plan 6. Survey plan 7. Statement of Environmental Effects 8. SEPP 65 Verification Statement, Design Principles and Compliance Table 9. Acoustic Report 10. Traffic and Transport Assessment Report 11. Arboricultural Impact Assessment Report 12. Access Report 13. Waste Management Plan 14. BASIX Certificate 15. Schedule of Finishes 16. Design Excellence Panel Comments 17. Amended Quantity Surveyors Report
Report prepared by	Nabila Samadie
Report date	2 November 2017

Summary of s79C matters **Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?**	**Yes**
Legislative clauses requiring consent authority satisfaction **Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?** ***e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP***	**Yes**
Clause 4.6 Exceptions to development standards **If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?**	**Not Applicable**

Special Infrastructure Contributions **Does the DA require Special Infrastructure Contributions conditions (S94EF)?** ***Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions***	**Not Applicable**
Conditions **Have draft conditions been provided to the applicant for comment?** ***Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report***	**Yes**

1. EXECUTIVE SUMMARY

1.1 The proposal

The application proposes the demolition of existing structures and construction of an eight storey residential flat building comprising of 93 apartments over two levels of basement parking with associated landscaping and ancillary site works.

Note: The proposed development has been amended and reduced in height by two levels and therefore the capital investment value has been reduced to less than $20 million.

Notwithstanding the reduction of the CIV the Sydney Western City Planning Panel remains the determining authority as the original application was lodged with a Capital Investment Value of over $20 million.

1.2 The site

The site is identified as 20-28 Copeland Street, Liverpool, and is legally described as Corner Lot 1 (or Lot 1 in DP 657251), Lots 2, 3, 4 and 5 in DP 38059.

1.3 The issues

The main issues identified in the assessment relate to the non-compliance with the building separation and minor non-compliances with balcony width under the ADG.

The extent of the building separation non-compliance under section 2F of the ADG along the eastern elevation equates to 4m or 22%. The extent of the building separation non-compliance under section 2F of the ADG along the southern elevation equates to 1.5m or 8.3%.

It is important to note that the existing approved buildings to the east and south have been constructed with non-compliant building separations

The extent of the balcony width non-compliance under section 4E of the ADG equates to 400mm or 62.5%. The balcony width non-compliance is isolated to 2 units being units 11 & 24.

The justifications to both variations are discussed in detail in this report.

1.4 Exhibition of the proposal

In accordance with the LDCP 2008, the application was not required to be notified.

1.5 Conclusion

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The site is located within the Liverpool CBD and is legally comprised of Part Comer Lot 1 (or Lot 1 in DP 657251), Lots 2, 3, 4 and 5 in DP 38059. The development site is rectangular in shape with an overall area of 3492.4m^2. The site has a frontage of 77.35m to Copeland Street, a 33.82m to Campbell Street, and a splay corner of 11.82m.

The existing development on site consists of five single storey detached dwellings, a mixture of fibro, brick and weatherboard utilised for private residential purposes. All of which have a primary frontage to Copeland Street.

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

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

Figure 1- Aerial photograph of the site
Source: Geocortext

Figure 2- Corner of Copeland Street and Campbell Street, viewed from Copeland Street.

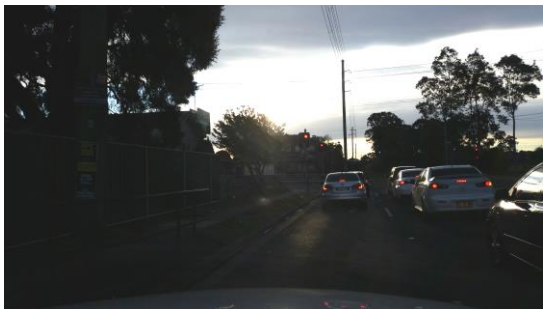

Figure 3- Corner of Copeland Street and Campbell Street, viewed from Campbell Street

Figure 4 – Campbell Street

Figure 5 - Copeland Street, Current streetscape

2.2 The locality

The site is located within the Liverpool City Centre, approximately 1km North-West of Liverpool Train Station, and is within 300m to Westfield Shopping Centre to the East and the Macquarie Street Shopping Mall to the South-East. The site is located within an existing residential area, the immediate adjoining sites are zoned for High Density Residential and is undergoing urban transformation, a strip of sites across the opposite side of Copeland Street are zoned for Low Density Residential and are adjoined by a public reserve to the rear. Apex Park, a public reserve, is located towards the south of the site at the corner of Elizabeth Drive, Copeland and Castlereagh Streets. An aerial photograph of the locality and photographs of the immediate development is provided below:

Figure 6- Aerial photograph of the locality - *Source: Geocortext*

2.3 Site affectations

2.3.1 Heritage

The subject site is within visual distance to public reserve located to the south of the site, a heritage item of local heritage significance in Schedule 5 of the Liverpool Local Environmental Plan 2008 (LLEP 2008) known as 'Apex Park'.

The site is also located within Liverpool City's primary streets which include Campbell Street, a heritage item of local heritage significance in Schedule 5 of the LLEP 2008 known as the 'Hoddle Grid'.

Figure 7 – Heritage Map

Council's Heritage Officer has reviewed this aspect of the proposal and the comments are summarised as follows;

Comment: *The proposed development has been assessed and is considered to have no impact on any know heritage items within the area. Consideration should be given to the potential archaeology associated with Campbell Street which is a listed heritage item for its archaeological potential and the original alignment of the CBD road way.*

The proposal is not going to change the existing alignment of the road, therefore retaining the heritage significance, however potential excavation adjacent to the road or in opening the road may uncover an earlier heritage road surface that will need to be documented.

Given the above, it is considered that the proposed development is in accordance with the objectives of Clause 5.10 pertaining to Heritage Conservation. Conditions of consent have also been recommended that have been included in conditions of consent.

2.3.2 Flooding

The proposed development site is within Brickmakers Creek catchment. The site is not affected by flooding under 1% Annual Exceedance Probability (AEP) event. However, it is affected by the Probable Maximum Flood (PMF) event. The 1% AEP flood level in the vicinity of the proposed development site is 11.8m Australian Height Datum (AHD).

A Flood Impact Statement has been submitted outlining the proposed flood mitigation measures proposed as part of the development. The proposal was reviewed by Council's flooding engineers and considered satisfactory subject to conditions of consent.

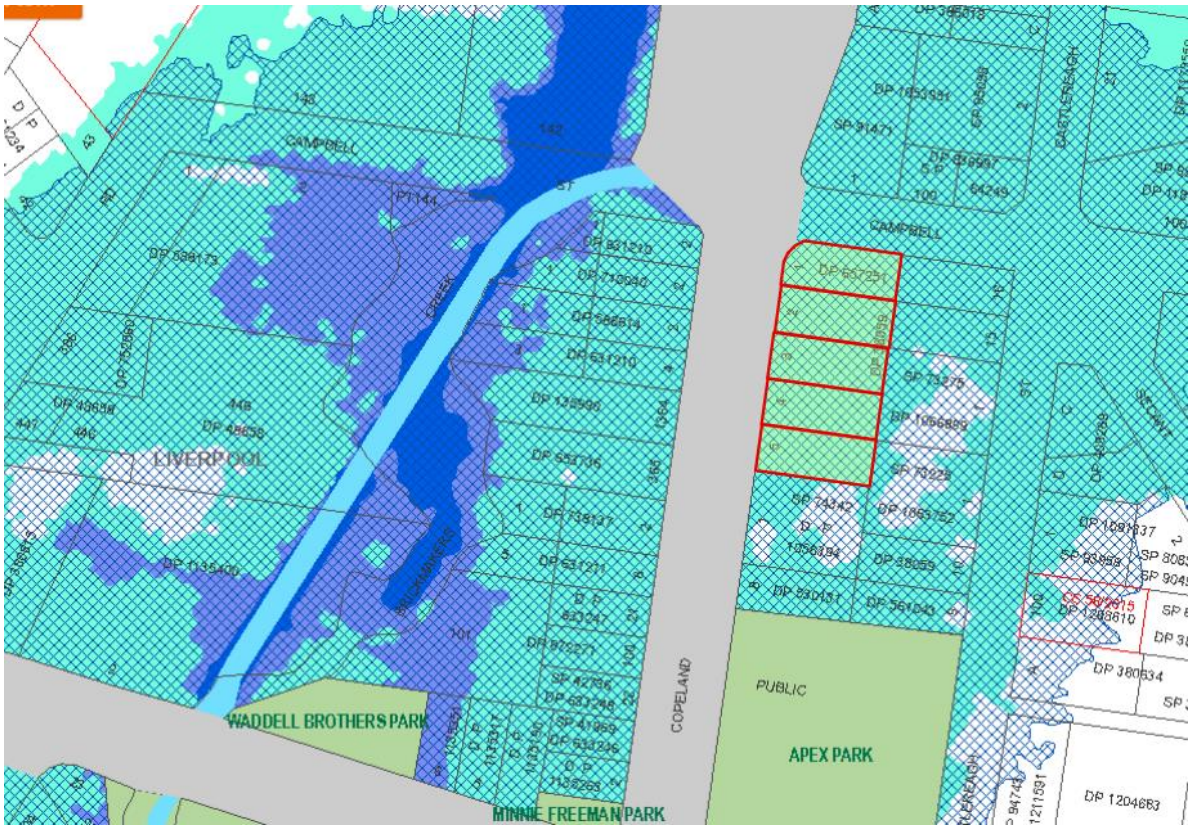

Figure 8 – Flooding Map

3. BACKGROUND

3.1 Issues identified in initial assessment

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

- *Floor and corridor Layout – the proposal shall comply with the ADG requirements*

Comment: The proposal as lodged did not comply with the maximum number of apartments off a circulation core on a single level, the requirement being a maximum of eight apartments, the proposal demonstrated fourteen apartments.

Changes were made to the floor layouts in accordance with the Design Excellence Panel (DEP) comments to ensure a good outcome is achieved.

Along with the changed floor layout, and in order to be compliant with FSR, the proposal was then amended to include an infill affordable housing development pursuant to the SEPP ARH 2009.

3.2 Issues identified during further assessment

Further assessment of the amended plans, revealed the following issues:

3.2.1 Building Separation

Subsequent to the submission of amended plans, Council raised concern regarding the building separation along the eastern and southern elevations at the 9th and 10th storey. To address the concern the applicant submitted amended plans that removed the 9th and 10th storey and reduce the overall number of units from 120 to 93 units.

3.2.2 Apartment Mix

As per DEP minutes dated 17 November 2016 and Council's requirement, the development must achieve 10% 1 bedroom and 10% 3 bedroom. Consequently amended plans were provided to address these concerns. The amended plans provided, indicate an acceptable apartment mix in the form of the following;

- 10 x 1 Bed Units (10.8%)
- 72 x 2 Bed Units (77.4%)
- 10 x 3 Bed Units (10.8%)
- 1 x 4 Bed Unit (1%)

3.2.3 Apartment size and layout

As per section 4D of ADG, bedrooms are to have a minimum dimension of 3m (excluding wardrobe space) and living rooms or combined living/dining rooms have a minimum width of:

- 3.6m for studio and 1 bedroom apartments
- 4m for 2 and 3 bedroom apartments

The proposed Unit 11, Unit 24, Unit 37, Unit 50, Unit 63, Unit 76, Unit 89, Unit 102 & 115 all have a dining width of 3.1m. The proposed unit 22 provides a dining width of 3.7m. Consequently amended plans were provided that demonstrated compliance with section 4D.

4.2 Related applications

.

a) Design Excellence Panel Briefing

First DEP meeting

The application was considered by the DEP on 22 September 2016 and the following comments were made:

The applicants did not attend meeting. They are rescheduled to attend the next DEP meeting

Issues

The following was noted by the panel and raised by the planner

• Proposal must comply with height, FSR, ADG setbacks.

• Cross ventilation to only 50% of units.

• Are the louvered balconies included in the FSR?

• Privacy issues between some units

• The waste / bin storage should be relocated to the basement to minimise the negative impacts of noise and odour on any of the apartments.

General

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

Floor-to-floor height

The Panel recommends a minimum floor-to-floor height of 3050-3100mm if required. This enables a floor-to-ceiling height of 2.7m to be easily achieved without bulkheads or dropped ceilings.

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 be present at the meeting.

The plans are be referred to the Design Excellence Panel in October 2016.

Second DEP meeting

The application was considered for the second time by the DEP on 17 November 2016 and the following comments were made:

- *The panel recommends that the louvered glass on the balconies retains an operable louvre system or similar to ensure the balconies can be used as outdoor spaces and/or to mitigate noise and pollution from Copeland Street.*
- *Entry* void – the panel support inclusion of a seating area at every second level.
- *Window locations in bedrooms located adjacent to the void should be adjusted to ensure privacy to all apartments while maintaining cross ventilation.*
- *Introduce glazing to some walls of the common area at ground floor to assist with visibility from the lift lobby directly.*
- *Partial screening or solid balustrading to be included to all balconies.*
- *Support a reduction in intensity of the red colour of blade walls.*
- *Panel requires further detail to assess sun access compliance with ADG requirements.*
- *Must achieve 10% 1 bedroom and 10% 3 bedroom as per councils DCP.*
- *Planting along the highway to be more generous. Provide more of a green screen via introduction of generous canopy tree planting and larger buffer low level planting.*
- *Support introduction of street tree planting.*
- *Provide street entry to ground level apartments. Entry pathways to be paired to reduce impact on planting buffer zone.*
- *Limit balustrade screening of ground floor apartment terraces to 1m above terrace level,*
- *Panel is concerned at the length of the double loaded corridor which relies on artificial lighting and mechanical ventilation noting that 14 apartments are accessed from a single elevator core. The panel will accept this number provided that the corridor is redesigned to include a glazed wall and operable window at it far southern end, in the southern façade.*
- *Check parking numbers, reduce to council required numbers and where possible use any additional space to improve amenity and facilities to common areas (through relocation of services to the basement).*

- *The dining room in a number of apartments is poorly located and will receive minimal daylight. It is recommended that those apartments be replanned to locate the dining room in front of the kitchen, extending the living room. And relocating bedrooms.*
- *Proposal should meet the requirement of minimum 60% cross ventilation.*
- *Floor to floor to be a minimum 3050mm to ensure a clear internal ceiling height of 2700mm.*
- *The panel recommends the proposal explore opportunities to further emphasise the corner of the site through higher massing or introduction of maisonette type apartments at the roof level, while maintaining compliance to FSR.*

  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.

  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

  Architects name and registration number to be on all plans and documents.

  This application is not acceptable based on design and should be referred back to the Design Excellence Panel.

Given the above requested changes to the designed including the reduction of height were made due to further assessment of amended plans. The proposal was required to be presented to the DEP for comments as per their request. The details of the DEP comments are stated below.

Third DEP meeting

The application was considered for the third time by the DEP on 28 September 2017 and the following comments were made:

The panel is satisfied that the applicant has satisfactorily responded to the previous DEP minutes. The applicant's architect demonstrated how the DEP's minutes have been resolved.

The massing of the building into 2 defined volumes is a positive design response, given the corner position of the site and the broad nature of the site.

The communal open space is well connected to the Community Room.

Consideration should be given to deleting some car spaces in the basement to provide indented bay(s) for the provision of additional deep soil zones within the proposed communal open space area. In response, the Applicant's architect advised that ornamental trees in raised planter boxes could be provided instead, as concerns were raised in respect to dead load upon the basement car park. The Panel indicated that indented deep soil zone should be carried to the natural ground level.

The panel suggested that the applicant gives due consideration to introducing fixed louvres to the west facing apartments so as to provide protection and additional shading from the harsh afternoon summer sun.

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.

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

Floor-to-floor height

The panel recommends a minimum 3050 to 3100mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.

The proposal is acceptable subject to the incorporation of the above advice given from the panel and will not need to be seen by the panel again.

In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be considered by Council.

On the above basis, the proposal is acceptable and had addressed the concerns of the DEP. In summary, the DA in its current form demonstrates all the changes as recommended by the DEP have been made, as follows:

- Top 2 floors of the building deleted and number of apartments reduced from 120 to 93 units;
- Higher massing provided to the corner of the building through the introduction of maisonettes apartments;
- Glazing introduced to the Community Room to open it up to the communal open space;
- The previously proposed louvres have been retained;
- Colours scheme slightly changed to reduce the intensity of the bright red colour blade walls;
- Apartments at the southern end of the building have been deleted and the building indented to enhance solar access to the corridor;
- 70% of the units achieved solar access and 60% of the apartments are now cross-ventilated;
- Units mix now comply with requirements of the DCP;
- Tree plantings proposed to the street frontages, as shown on the landscape plan;
- Ground level apartments are provided with direct street access;
- Bicycle bays related to the basements;
- Solid balustrades provided to ground level apartment to 800mm high plus 100m glazing to provide privacy to these apartments.

4.3 Planning Panel Briefing

A briefing meeting was held on the 6 October 2016. The main outcomes of the briefing meeting with the SSWPP are summarised below:

- Does not comply with Council's DCP housing mix provisions.

  Comment: The proposed development has been amended and has incorporated an appropriate housing mix, in the following form;

  - 10 x 1 Bed Units (10.8%)
  - 72 x 2 Bed Units (77.4%)
  - 10 x 3 Bed Units (10.8%)
  - 1 x 4 Bed Unit (1%)

- Treatment of the front elevations winter gardens and capacity to be later converted to habitable floor space.

  Comment: Council has looked into the concern raised by the panel in relation to the winter gardens on Level 1 and the capacity for them to be converted into additional floor area. The winter gardens on Level 1 along the western elevation have been treated with operable glass louvers. Having consideration with the treatment of the winter garden it is considered unlikely that they will be converted to habitable floor area. Notwithstanding this it is important to note that the proposed development is well under the allowable FSR for the site. The maximum FSR permitted for this site is 3:1, however the FSR proposed is 2.45:1.

- No report from DEP at the time of the briefing meeting.

  Comment: As indicated above the application has been presented to Council's DEP on three occasions. After the submission of amended plans the proposal was considered worthy of support.

5. HISTORY OF THE SITE AND SURROUNDINGS

5.1 Adjoining Development

Figure 9 below outlines all existing, proposed and approved development within the immediate context of the site.

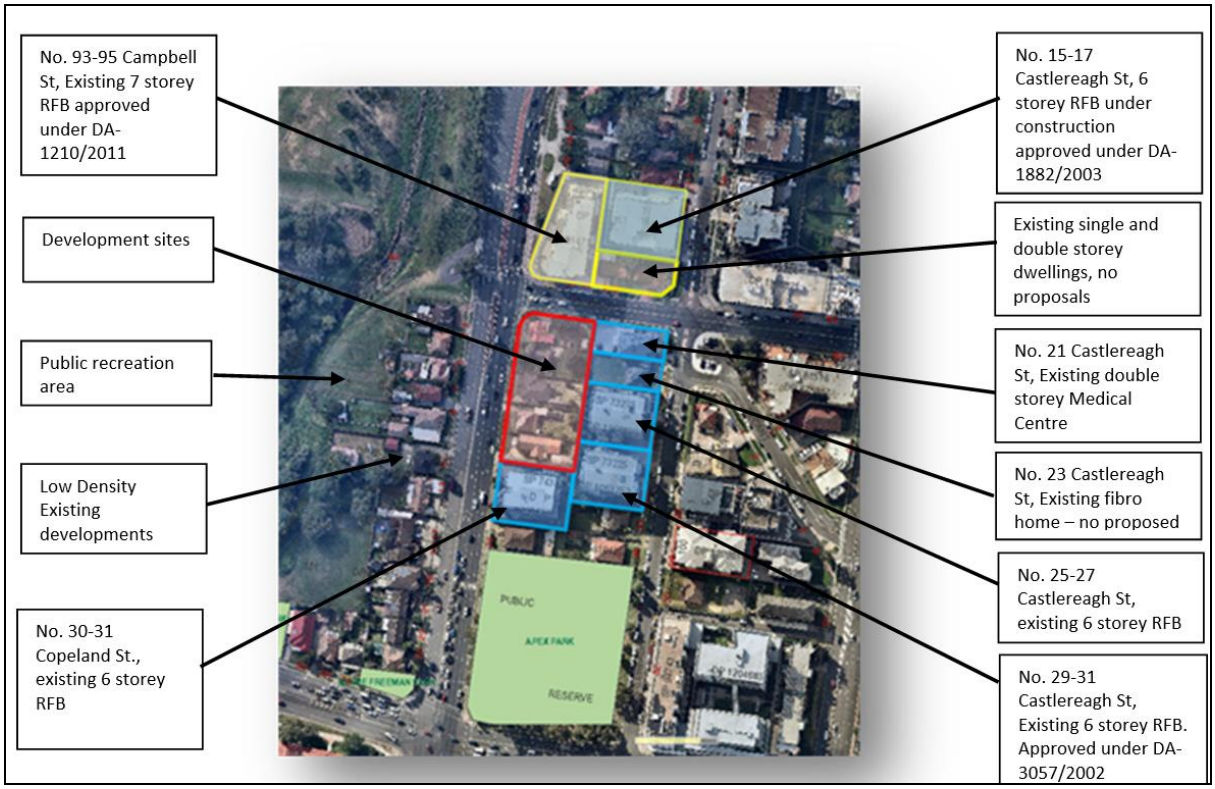

Figure 9- Site context plan showing developments within immediate locality - *Source: Geocortext*

The following DAs have been lodged for the subject site:

- **DA-699/2016** – subject DA at 20-28 Copeland Street, submitted on 1 August 2016.

The following DAs relate to properties immediately abutting the subject site:

- **Eastern boundary** - DA-3057/2002 at 29-31 Castlereagh Street, was approved by Council on 16 October 2002 for the demolition of 4 existing dwellings and construction of sixty four residential units (6 storeys). There have been subsequent modifications to this DA. No. 25-27 Castlereagh Street contains a 6 storey RFB. These developments have been constructed, see images below.

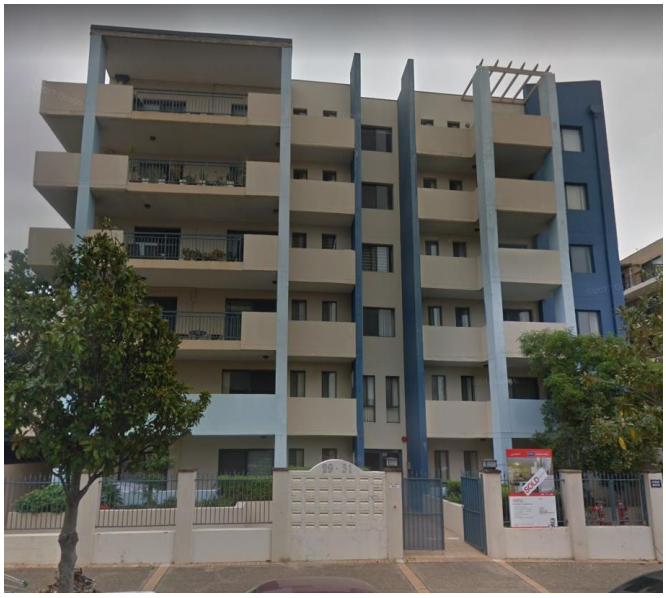

Figure 10 - 29-31 Castlereagh Street

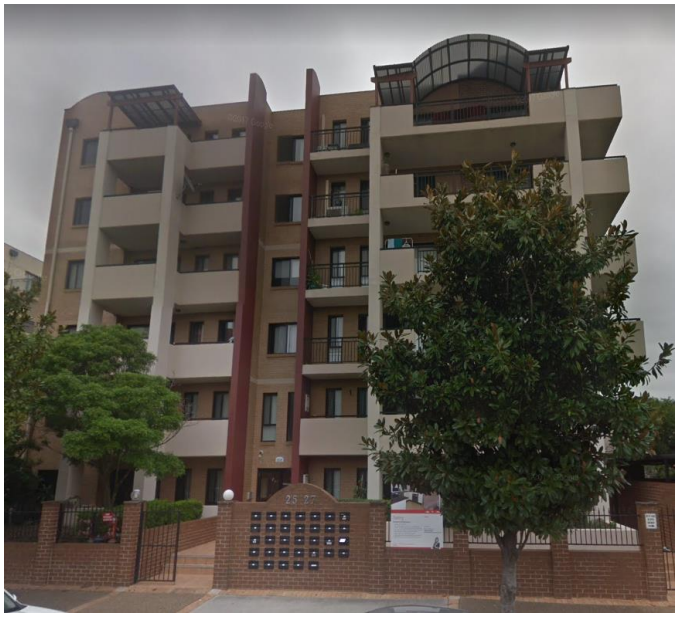

Figure 11 - 25-27 Castlereagh Street

- **Southern boundary** - DA-1012/2003 at 30-31 Copeland Street, was approved by Council on 20 December 2002 for demolition of two dwellings and construction of a residential flat building (6 storeys) containing 31 units. There have been subsequent modifications to this DA. This development has been constructed, see images below.

Figure 12 - 30-31 Copeland Street

6. DETAILS OF THE PROPOSAL

The application proposes the demolition of existing buildings and the construction of a eight storey residential flat buildings containing 93 residential apartments over two levels of basement parking with associated landscaping and ancillary site works. Further details are as follows:

Building Design

- A total of 93 residential units with the following mix:
  - 10 x 1 Bed Units (10.8%)
  - 72 x 2 Bed Units (77.4%)
  - 10 x 3 Bed Units (10.8%)
  - 1 x 4 Bed Unit (1%)
- Gross floor area of 8586.7m^2

Vehicular and Pedestrian Access

- Vehicular access is provided from Campbell Street.
- Two main building entries are accessed from Copeland and Campbell Streets;
- Three other pedestrian access provided from both Copeland and Campbell Streets; and
- Ground Floor terraces access (paired for every two units) is provided from Copeland Street.

Parking Provisions

- The development provides for a total of 122 car parking spaces comprising of:
  - 112 spaces for residential units
  - 9 spaces for visitors
  - 2 carwash/service bays
- A total of 7 parking spaces designated for motorcycles;
- Bicycle parking to accommodate 62 bicycles, 38 of which are for visitors.

Site Servicing

- A garbage, recycling and green waste storage area is located on the ground floor including a garbage chute area. Bin handling will be by a representative of the Owners Corporation. The bins will be wheeled to the street.

Stormwater Drainage

- Stormwater surface runoff will be conveyed to a 153.91m^3 on-site detention tank located within the North-western side setback. Stormwater will then discharge to the existing stormwater system within Campbell Street.
- Drainage from within the basement will be conveyed via a submersible pump-out system.

Ancillary Works

- Demolition of existing dwellings and removal of non-significant trees.
- Construction of footpath paving.

Perspective drawings of the proposed development are provided below in Figures 13-14.

Figure 13 - Photomontage of the development, view from Northern side of Copeland Street *Source: Architex*

Figure 14 - Photomontage of the development, view from the Southern side of Copeland Street
Source: Architex

7. STATUTORY CONSIDERATIONS

7.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

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

Draft Environmental Planning Instruments

- LLEP 2008 Draft Amendment No. 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 2% of the cost of the development pursuant to Section 94A of the EPA & Act.

7.2 Zoning

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

Figure 15 - Extract of LLEP 2008 zoning Map – R4 High Density Residential *Source: Geocortext*

7.3 Permissibility

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

8. 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:

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

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

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

Table 1 - Schedule 1: Design quality principles

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.	The proposal is for a Residential flat development. Located on the North-western edge of the city centre precinct, the proposed development is well suited within the envisaged future character of the area.
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.	The proposal responds to the envisaged future character of the area as it provides a RFB of 93 units. Features a contemporary design, long wearing external material and aesthetically pleasing façade. The proposal also features landscape communal apace, convenient waste collection for all units and meets the LDCP 2008 housing mix.
Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	The proposal complies with the building separation requirements with the existing surrounding developments and any future developments. It will not impede the potential of future developments of adjoining properties.
Design Principle 2 – Built form and scale	
Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.	The bulk of the proposed development is consistent with the controls set out in the LDCP 2008. It is situated within the site, setback off Copeland and Campbell Streets. The height of the building is in accordance with that identified in the LLEP 2008. The building height is to be a maximum 8 storeys including the lift over-run. Building mass fits within the desired streetscape character and does not overpower the surrounding buildings. The proposed building provides sufficient spacial relief towards the rear and the southern adjoining site.
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.	A good use of building elements have been demonstrated in this proposal, the building complies with the setback controls of the LDCP 2008, and the building separation requirements of the LLEP 2008, ADG, and the LDCP 2008.
Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The proposal provides a communal open space located at the Eastern side of the site which has a direct vista to Campbell Street and Copeland Street.

Design Quality Principle	Comment
Design Principle 3 – Density	
Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.	This proposal proposes a density FSR of 2:45:1 for this site, it is generally in accordance with densities set out in the LLEP 2008.
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.	The building density is in line with the current and projected population area, it complies with housing mix requirements within the LDCP 2008. The proposed high density (8 levels) is considered to be sustainable within this area as it is within 300m to the Westfield shopping centre and the business areas, Liverpool's medical hub, namely Liverpool public and private hospitals, and health rooms. It is also within 1km to Liverpool train station.
Design Principle 4 – Sustainability	
Good design combines positive environmental, social and economic outcomes.	The development is designed to respond to the requirements of BASIX and the ADG. It provides high quality of amenity for the residence and the adjoining properties.
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	- Apartment layouts are optimally designed for a passive response to solar design principles and cross ventilation as outlined in the Apartment Design Guide. - All corner and cross through apartments are naturally ventilated. - Outcomes of this development include: - Minimum 61% of apartments are cross-ventilated; - Minimum 72% of apartments have the required solar access in winter; - Collection of roof rainwater for maintenance and irrigation of gardens; - Provision of energy-efficient appliances; - Architectural details incorporating a range of projections and internal blinds for privacy, solar and wind relief as well as exposure to the summer cooling breezes.
Design Principle 5 – Landscape	

Design Quality Principle	Comment
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.	Street planting will be provided in accordance with guidelines and specifications of Liverpool City Council and enhanced through additional planting within the site boundary along Copeland and Campbell Streets.
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.	Existing trees area minimal and fall within the building line, however, large tree canopies have been introduced to the site as well as a deep soil area at the rear of the site which promotes the continuation of the natural corridor which preserves the green network and habitat values.
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.	Internally, a good balance of soft and hard surfaces is achieved with the variety of landscaping in terms of locations, height and species. Promoting visual interest, privacy. The landscape arrangement can be maintained with ease.
Design Principle 6 – Amenity	
Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.	The proposed units will have considerable internal amenity and achieves the minimum sizes contained within the Apartment Design Guide. All apartments feature private balconies, garbage chute managed by the owners, a pleasant communal open area and an internal communal room available which can both be accessed directly from Copeland and Campbell Streets. Large private terraces are available to the Ground Floor Apartments facing Copeland Street with landscaped planters offering privacy and a pleasant surrounding.
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.	Ten percent of the development are designed to the Universal Design standards, including the 10% requirement for adaptable housing. They are of a sufficient size and appropriate room dimensions to meet the needs of future occupants. Storage areas are provided within all units and with some additional space within the basements. The outdoor areas (communal and private) are of sufficient size to meet the recreational needs of future occupants. Communal open space will provide passive and active

Design Quality Principle	Comment
	recreational opportunities. Raised garden beds, outdoor lounges and landscape furniture; grassed, paved and planted surfaces; shaded, sunny and feature-lit areas will be provided. Views and access area available from Campbell and Copeland Streets. Indoor Communal area is also available at ground level.
Design Principle 7 – Safety	
Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.	The address to the street has been carefully designed to ensure safe access to and egress from the buildings by ensuring direct sight lines to the residential lobbies from the street. The development embodies good levels of casual surveillance from within the building and from the street. The proposed building and landscaping design do not create any concealment areas. Ground Floor Living rooms have a direct outlook to the terraces along Copeland Street.
A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.	The main ground level entry will be secured and fitted with a telecom for visitors. The entry to the building lobby is fully glazed, maximizing the potential for casual surveillance. Access to the basement is by a secured roller door, which again is fitted with an intercom entry system for visitors. Access from secured garages is available to all units above. Access from the side boundaries is restricted by fencing and secured gates. Direct street access is provided to the units on the ground where possible to maximize passive surveillance. Generally, the proposed layout provides a high level of privacy and security. Adequate lighting to be provided for the lobby, car parks and communal open spaces, details will be submitted with the CC documents.
Design Principle 8 – Housing Diversity and Social Interaction	
Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.	The proposed development provides housing choice with the following mix of units: - 10.8% one bedroom apartments - 77.4% two bedroom apartments - 10.8% three bedroom apartments - 0.01% four bedroom apartment The abovementioned housing mix will cater for different community and family needs.
Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future	The provision of one bedroom apartments in the development will provide for a more affordable entry point into the housing market, particularly being within close

Design Quality Principle	Comment
social mix.	proximity to employment and medical hub. The two bedroom apartments within the city centre allows for shared accommodation. The three bedroom apartments allows for families to be nearby employment while offering suitable amenity for children to play. A four bedroom apartment is provided for a larger family. 10% of the development (9 units) are designed to be adaptable to the needs of people with disabilities and to facilitate opportunities for people to be close to medical hub for ongoing treatment.
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.	A well designed communal space is located on the ground floors, easily accessed from the street and from the lift. A variety of landscape furniture is provided with large private terraces to the Ground Floor Apartments with dense landscaping to Copeland Street. This arrangement allows a variety of interactions to take place on the Ground level, groups of different ages are able to socialise and interact, and have an enjoyable and practical outdoor space.
Design Principle 9 – Aesthetics	
Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.	The articulation and the use of different material and colours to the façade insure a reasonable response to the desired future character of the site and the precinct in terms of the aesthetics, scale and bulk. The external finishes and materials were supported by the DEP panel.
The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The proposal responds well to the maximum building height. It is highly articulated to provide a lighter built form by way of breaking up the building into different shapes and featuring a prominent corner slightly higher than the rest of the building, high quality of external and internal finishes are proposed in response to the desired future character as articulated by the DCP and the LEP provisions. The articulation of the external facades reduces any perception of bulk while maintaining internal and external amenity. These elements contribute to the desired future character of the locality and enhance the existing surrounding streetscapes.

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.

Table 2 - Apartment Design Guide

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. Consider varying building depth relative to orientation. For example, buildings facing east-west capture sun from both aspects and may have apartments of up to 18m wide (if dual aspect), while buildings facing north-south should be narrower to reduce the number of south facing apartments that have limited or no direct sunlight access (consider relationship with section 4A Solar and daylight access). Where greater depths are proposed, demonstrate that indicative layouts can achieve acceptable amenity with room and apartment depths. This may require significant building articulation and increased perimeter wall length.	Minor non-compliance The building depth is 20m. However, given the building articulation of blocks and the offset of the walls, it creates appropriate air movement within each block. The building orientation is western (front) - east (rear) which captures sun from both aspects. In addition, the Floor layouts achieve acceptable amenity in terms of room and apartment depths as the building is well articulated.
2F Building Separation	
Minimum separation distances for buildings are: Up to four storeys (approximately 12m): • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms	Complies Up to 4 storeys the development provides a minimum 12m building separation from buildings south and east. In the instances where no buildings of the same height exist on adjoining properties the proposed development provides for a setback in excess of 6m to enable a similar development to be constructed on the adjoining properties.
Five to eight storeys (approximately 25m): • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms	**Partial non-compliance** The majority of the eastern elevation provides a minimum 18m building separation to adjoining eastern buildings. However on the 5th and 6th storey a portion of the eastern elevation (i.e. units 48-49 and 61-62) do not achieve the required 18m building separation to the adjoining eastern building (25-27 Castlereagh Street Liverpool). A building separation of 14m is provided, which does not comply. On the 5th storey along the southern elevation a building separation of 16.5m is provided to the adjoining building to the south.

	It is important to note that the adjoining buildings to the east and south have been built with a 5m setback to the boundary which does not comply with the ADG. Moreover the proposed development has provided the required 9m setback to the eastern boundary and 10.5m setback to the southern boundary when considering that building separation requirements are to be equitably distributed across boundaries under the ADG. In the instances where no buildings of the same height exist on adjoining properties the proposed development provides for a setback of a minimum 9m to enable a similar development to be constructed on the adjoining properties. The merits of the non-compliance are discussed below.
Nine storeys and above (over 25m): • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms	**N/A**
3A Site analysis	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	Complies The proposed development has considered the opportunities and constraints of the surrounding environment, in terms of location, solar access, siting, transport, affordable housing within the city centre.
3B Orientation	
Building types and layouts respond to the streetscape and site while optimising solar access within the development Overshadowing of neighbouring properties is minimised during mid-winter	Complies The proposed building type responds to streetscape, it has been designed in an articulated rectangular shape with two distinct elements. The proposal has demonstrated it achieves the required solar access and cross ventilation requirements under the ADG. The proposal allows for the adjoining properties to achieve the minimum 2 hours of solar access required under the ADG.
3C Public domain interface	
Transition between private and public domain is achieved without compromising safety and security Amenity of the public domain is retained and enhanced	Complies The proposed landscape plan shows a clear separation between public and private areas by way of landscaping (high and low trees), pathways and planters.
3D Communal and public open space	

<table>
<tr>
<td>Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)

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

Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting. Communal open space is designed to maximise safety. Public open space, where provided is responsive to the existing pattern & uses of the neighbourhood.</td>
<td>Complies

Total outdoor communal open space provided on the ground floor is approx. 1000m^2, or 29%.

The shadow diagrams demonstrate at least 2 hours of solar access received by at least 50% of the site.

The proposed communal open space is partially shaded and includes an indoor area which allows residents to congregate in rainy weather. The landscape plan has incorporated a variety of landscape furniture to facilitate an enjoyable and social space for the residents.

The communal area is essentially located at the East side of the site, where access from the side boundaries is restricted by fencing and secured gates. The communal open space are is responsive to the existing pattern and uses of the neighbourhood.</td>
</tr>
<tr>
<td colspan="2">3E Deep soil zones</td>
</tr>
<tr>
<td>Deep soil zones are to meet the following minimum requirements:

<table>
<tr><th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr>
<tr><td>Less than 650m^2</td><td>-</td><td rowspan="4">7%</td></tr>
<tr><td>650m^2 to 1500m^2</td><td>3m</td></tr>
<tr><td>Greater than 1500m^2</td><td>6m</td></tr>
<tr><td>Greater than 1500m^2 with significant tree cover</td><td>6m</td></tr>
</table>
</td>
<td>Complies

Deep soil required: 244.5m^2

Deep soil zone proposed: 458.5m^2 or 13% of the open space. This area excludes the above ground OSD area located at the North-western side of the site.

Min. width 6m.</td>
</tr>
<tr>
<td colspan="2">3F Visual Privacy</td>
</tr>
<tr>
<td>Minimum require separation distances from buildings to the side and rear boundaries are as follows:

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

From ground level up to level 7 a minimum 10.5m southern boundary setback is provided. The minimum setback required is 6m for the first 4 storeys and 9m from storeys 5-8.

From ground level up to level 7 a minimum 8.5m eastern boundary setback is provided from non-habitable rooms. The minimum setback required is 3m for the first 4 storeys and 4.5m from storeys 5-8.

From ground level up to level 7 a minimum 9m eastern boundary setback is provided from habitable</td>
</tr>
</table>

(5-8 storeys)			rooms. The minimum setback required is 6m for the first 4 storeys and 9m from storeys 5-8.
Over 25m (9+ storeys)	12m	6m	
Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space			Complies Sufficient balcony and windows treatment used to ensure appropriate privacy.
3G Pedestrian Access and Entries			
Building entries and pedestrian access connects to and addresses the public domain			Complies One main building entry is provided via Copeland Street, two outdoor entries leading to the communal open space, one entry from Campbell Street leading to the basement carpark level, and Ground Floor Terrace entries (paired) are located on Copeland and Campbell Streets. All entries are safe and secure. Entries are landscaped, the main pedestrian entry and the entry from Campbell Street are suitable for wheelchair access. The front façade features and awning with the street number of the facia.
Access, entries and pathways are accessible and easy to identify			
Large sites provide pedestrian links for access to streets and connection to destinations			
3H Vehicle Access			
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes			Complies Vehicle access is satisfactory, supported by Council traffic engineers, and is amended to respond to Council's Traffic Engineer's requirement of ensuring that it is a left-in-left-out driveway.
3J Bicycle and Car Parking			
For development in the following locations: - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street			Complies The proposed development complies with the LDCP 2008 Parking provisions detailed further in this report.
Parking and facilities are provided for other modes of transport			Parking includes spaces for people with disabilities, visitors, bicycles, and a carwash bay.

Car park design and access is safe and secure	The basement car park design is considered to be safe and secure as it is segregated from the pedestrian pathways.
Visual and environmental impacts of underground car parking are minimised	The proposal is unlikely to generate any environmental of visual impacts from the underground basement carpark.
Visual and environmental impacts of above ground enclosed car parking are minimised	No above ground parking proposed.
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 As demonstrated from the submitted Shadow Diagrams, 72% of apartments will receive a minimum of 2 hours direct solar access.
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter	N/A
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	9% of apartments do not receive direct sunlight.
4B Natural Ventilation	
All habitable rooms are naturally ventilated	Complies All habitable rooms are naturally ventilated.
The layout and design of single aspect apartments maximises natural ventilation	Complies Single aspect units facing the north have maximised ventilation by articulating the external wall line to allow air movement.
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 61% of units are cross ventilated.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	Complies All cross-through apartment are less than 18m.
4C Ceiling Heights	
Measured from finished floor level to finished ceiling level, minimum ceiling	Complies

<table>
<tr><td>heights are:<table><tr><td colspan="2">Minimum ceiling height</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m from ground and first floor to promote future flexibility of use</td></tr></table>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</td><td>Proposed ceiling height to all apartments: 3050m</td></tr>
<tr><td colspan="2">Apartment Size and Layout</td></tr>
<tr><td>Apartments are required to have the following minimum internal areas:<table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m^2</td></tr><tr><td>1 bedroom</td><td>50m^2</td></tr><tr><td>2 bedroom</td><td>70m^2</td></tr><tr><td>3 bedroom</td><td>90m^2</td></tr></table>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each</td><td>Complies
The one-bedroom apartment are all over 50m^2.
The two-bedroom apartments are all over 70m^2
The three-bedroom apartments are all over 90m^2
Those units with additional bathrooms have an increase of 5m^2 in floor area.</td></tr>
<tr><td>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</td><td>Complies
All habitable rooms have large windows.</td></tr>
</table>

<table>
<tr><td>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</td><td>Complies</td></tr>
<tr><td>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</td><td>Complies
All kitchens are within 8m of a window.</td></tr>
<tr><td>Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space)</td><td>Complies</td></tr>
<tr><td>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td><td>Complies</td></tr>
<tr><td>Living rooms or combined living/dining rooms have a minimum width of:
- 3.6m for studio and 1 bedroom apartments
- 4m for 2 and 3 bedroom apartments</td><td>Complies
All units have min. 4m wide living areas.</td></tr>
<tr><td>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</td><td>Complies</td></tr>
<tr><td colspan="2">4E Private Open Space and Balconies</td></tr>
<tr><td>All apartments are required to have primary balconies as follows:
<table><tr><td>Dwelling Type</td><td>Minimum Area</td><td>Minimum Depth</td></tr><tr><td>Studio</td><td>4m^2</td><td>-</td></tr><tr><td>1 bedroom</td><td>8m^2</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m^2</td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m^2</td><td>2.4</td></tr></table>The minimum balcony depth to be counted as contributing to the balcony area is 1m</td><td>Does not comply
The majority of units comply, Units 11 and 24 (three bedroom units) have a balcony area of 36.2m^2, with a width of 2m, a width non-compliance of 0.4m, these units are located om Levels 1 and 2. This non-compliance is considered acceptable as there is sufficient space for an outdoor table and chairs is available, as well as a functional common open space available on the Ground Floor. The proposal is considered satisfactory in this instance, see discussion below.</td></tr>
<tr><td>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m^2 and a minimum depth of 3m.</td><td>Comply
All Ground floor unit terraces comply in area and have a min. width of 3m.</td></tr>
<tr><td>Primary private open space and balconies are appropriately located to enhance liveability for residents</td><td>Complies
All balconies are visually appealing, functional, differentiated from each other and are fenced with landscaped planter.</td></tr>
<tr><td>Private open space and balcony design is integrated into and contributes to the</td><td>Complies
The POS and Balcony designs contribute to the</td></tr>
</table>

<table>
<tr><td>overall architectural form and detail of the building</td><td>overall architectural form and detail of the building.</td></tr>
<tr><td>Private open space and balcony design maximises safety.</td><td>Complies
All balconies and POS areas are fenced.</td></tr>
<tr><td colspan="2">4F Common Circulation and Spaces</td></tr>
<tr><td>The maximum number of apartments off a circulation core on a single level is eight</td><td>Does not comply, but satisfactory
Maximum 13 units are accessed from each corridor. The DEP have accepted this arrangement as the building is broken up into two elements, further, the southern side of the corridor is revised to ensure a window is located at the southern end of the corridor for additional light.</td></tr>
<tr><td>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</td><td>Complies
Three lifts are proposed to service 93 apartments, equates to 31 units per lift.</td></tr>
<tr><td>Common circulation spaces promote safety and provide for social interaction between residents</td><td>Complies</td></tr>
<tr><td colspan="2">4G Storage</td></tr>
<tr><td>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:
<table><tr><td>Dwelling Type</td><td>Storage Size Volume</td></tr><tr><td>Studio</td><td>4m^3</td></tr><tr><td>1 bedroom</td><td>6m^3</td></tr><tr><td>2 bedroom</td><td>8m^3</td></tr><tr><td>3 bedroom</td><td>10m^3</td></tr></table>At least 50% of the required storage is to be located within the apartment.</td><td>Complies
All apartments have a basement storage areas ranging from 4.35 to 9.28m^3.
At least 50% of the storage areas are located within the apartments.</td></tr>
<tr><td colspan="2">4H Acoustic Privacy</td></tr>
<tr><td>Noise transfer is minimised through the siting of buildings and building layout</td><td rowspan="2">Complies
Bathrooms and Kitchens have been clustered together where possible and also located near corridors where possible, which assist in mitigating noise levels to quitter rooms such as bedrooms.</td></tr>
<tr><td>Noise impacts are mitigated within apartments through layout and acoustic treatments</td></tr>
<tr><td colspan="2">4J Noise and Pollution</td></tr>
<tr><td>Objective 4J-1
In noisy environments minimise the impacts of external noise and pollution</td><td>Complies
As above</td></tr>
</table>

<table>
<tr><td>through the careful siting and layout of buildings.</td><td rowspan="2"></td></tr>
<tr><td>Objective 4J-2
Appropriate noise shielding or attenuation techniques for the building design.</td></tr>
<tr><td colspan="2">4K Apartment Mix</td></tr>
<tr><td>Objective 4K-1
A range of apartment types and sizes is provided.</td><td rowspan="3">Complies
Development proposes the following unit mix:<table><tr><td></td><td>1 Bed</td><td>2 Bed</td><td>3 Bed</td><td>4 Bed</td></tr><tr><td>Grd</td><td>5</td><td>2</td><td></td><td></td></tr><tr><td>L1</td><td>1</td><td>11</td><td>1</td><td></td></tr><tr><td>L2</td><td>1</td><td>11</td><td>1</td><td></td></tr><tr><td>L3</td><td>1</td><td>11</td><td>1</td><td></td></tr><tr><td>L4</td><td>1</td><td>11</td><td>1</td><td></td></tr><tr><td>L5</td><td>1</td><td>11</td><td>1</td><td></td></tr><tr><td>L6</td><td></td><td>8</td><td>4</td><td>1</td></tr><tr><td>L7</td><td></td><td>7</td><td>1</td><td></td></tr></table>An acceptable apartment mix has been provided in this proposal.</td></tr>
<tr><td>Objective 4K-2
The apartment mix is distributed to suitable locations within the building.</td></tr>
<tr><td>Objective 4K-2
The apartment mix is distributed to suitable locations within the building.</td></tr>
<tr><td colspan="2">4L Ground Floor Apartments</td></tr>
<tr><td>Objective 4L-1
Street frontage activity is maximised where ground floor apartments are located.</td><td rowspan="2">Complies
The subject proposal is entirely residential, without the need to provide active street frontages through non-residential uses.
The ground floor has an abundance of open areas, sun light and landscaping. Pedestrian footpaths are clearly visible and landscaped along the sides. Numerous entrances are available in addition to the main entry which includes a ramp for aces for people with a disability.</td></tr>
<tr><td>Objective 4L-2
Design of ground floor apartments delivers amenity and safety for residents.</td></tr>
<tr><td colspan="2">4M Facades</td></tr>
<tr><td>Objective 4M-1
Building facades provide visual interest along the street while respecting the character of the local area.</td><td rowspan="2">Complies
Appropriate building materials are proposed as part of the development. A range of external contemporary materials and colours are proposed which create visual interest to the streetscape.</td></tr>
<tr><td>Objective 4M-2
Building functions are expressed by the façade, e.g. express building entries, and important corners.</td></tr>
<tr><td colspan="2">4N Roof Design</td></tr>
<tr><td>Objective 4N-1
Roof treatments are integrated into the</td><td>Complies
The roof is not the dominant feature, a parapet wall</td></tr>
</table>

building design and positively respond to the street.	style is used which minimises expressions of roof forms.
Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximized.	
Objective 4N-3 Roof design incorporates sustainability features.	
4O Landscape Design	
Objective 4O-1 Landscape design is viable and sustainable.	Complies An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and is able to receive the required solar access.
Objective 4O-2 Landscape design contributes to the streetscape and amenity.	
4P Planting on Structures	
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance.	Complies Large planting is proposed within the communal space area, which can be easily maintained.
Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces.	
4Q Universal Design	
Objective 4Q-2 A variety of apartments with adaptable designs are provided.	Complies All above ground apartments are accessed by a lift and include wide corridors of min. 1.6m which is suitable for wheel chair access. A ramp is provided at two building entries from Copland and Campbell Streets, also wheel chair access to Ground Floor apartments is available via ramp at main entries.
4U Energy Efficiency	
Objective 4U-2 Passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	Complies A satisfactory BASIX certificate has been submitted. Adequate natural ventilation is provided, in addition, more than 61% of apartments are cross ventilated.
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation.	

4W Waste Management	
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Complies Appropriate waste collection is proposed. The waste area is concealed near the Eastern side of the building, easily accessible via lift and lobby, and within a short distance to Council's footpath for collection.

Variation to 2E – Building Depth

As indicated in the above table the development proposes a non-compliance with regards to Section 2E – Building Depth. The ADG states that apartment depths should range from 12-18m. The proposed development provides a building depth ranging from 20-25m as indicated in the figure below.

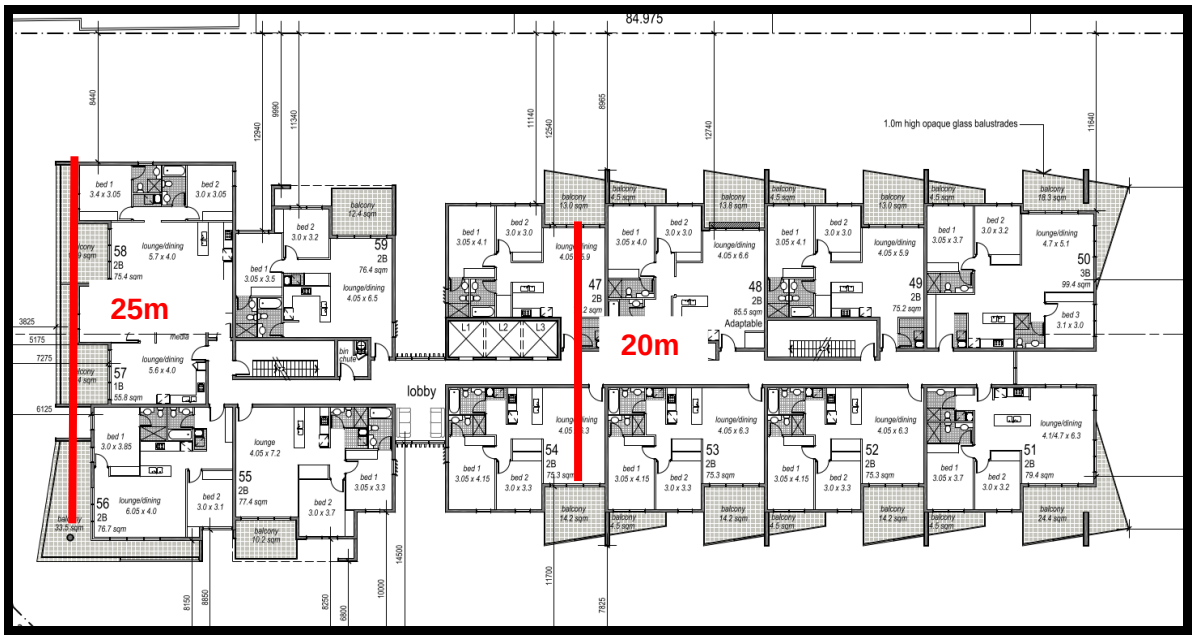

Figure 16 – Area of building septh non-compliance

The variation to Section 2E – building depth is worthy of support in this instance for the following reasons;

1) The proposed development maintains appropriate solar access and cross ventilation to the required number of units within the development, to ensure a high level of amenity is maintained.

2) The building maintains an appropriate bulk and scale that is consistent with current and desired future character of the surrounding locality.

3) The building has incorporated extensive articulation to ensure an aesthetically pleasing streetscape is maintained.

4) The building does not generate any additional privacy or overshadowing impacts on adjoining buildings despite the non-compliance.

5) The proposal has been reviewed by Council's Design Excellence Panel (DEP), who supported the design and considered it to exhibit design excellence.

Variation to 2F – Building Separation

As indicated in the above table the development proposes a non-compliance with regards to Section 2F – Building separation. The ADG states that from the 5th-8th storey a building separation of 18m between habitable rooms/balconies is required from buildings on adjoining sites.

On the 5th and 6th storey a portion of the eastern elevation (i.e. units 48-49 and 61-62) do not achieve the required 18m building separation to the adjoining eastern building (25-27 Castlereagh Street Liverpool). At this portion of the eastern elevation the building separation will equate to 14m, which results in a 4m non-compliance. This is indicated in figure 17 below

On the 5th storey the southern elevation provides a building separation of 16.5m to the adjoining building to the south (i.e. 30 Copeland Street Liverpool). This represents a 1.5m non-compliance. This is indicated figure 18 below.

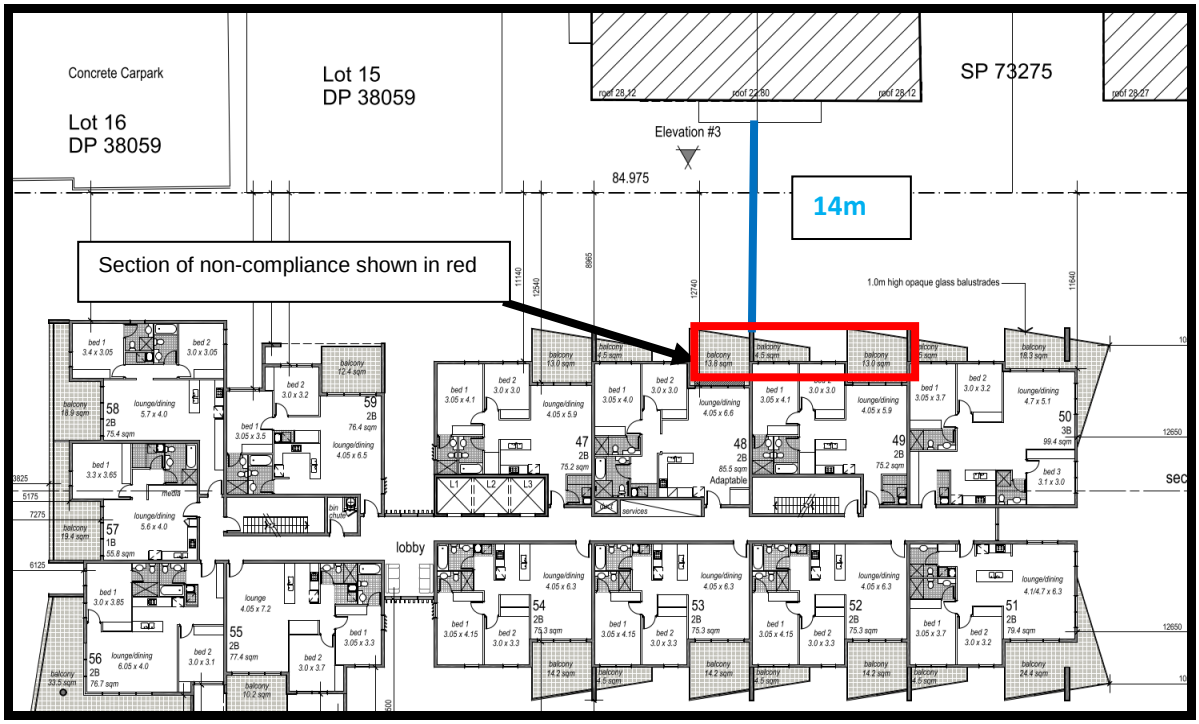

Figure 17 Non-compliance on eastern elevation

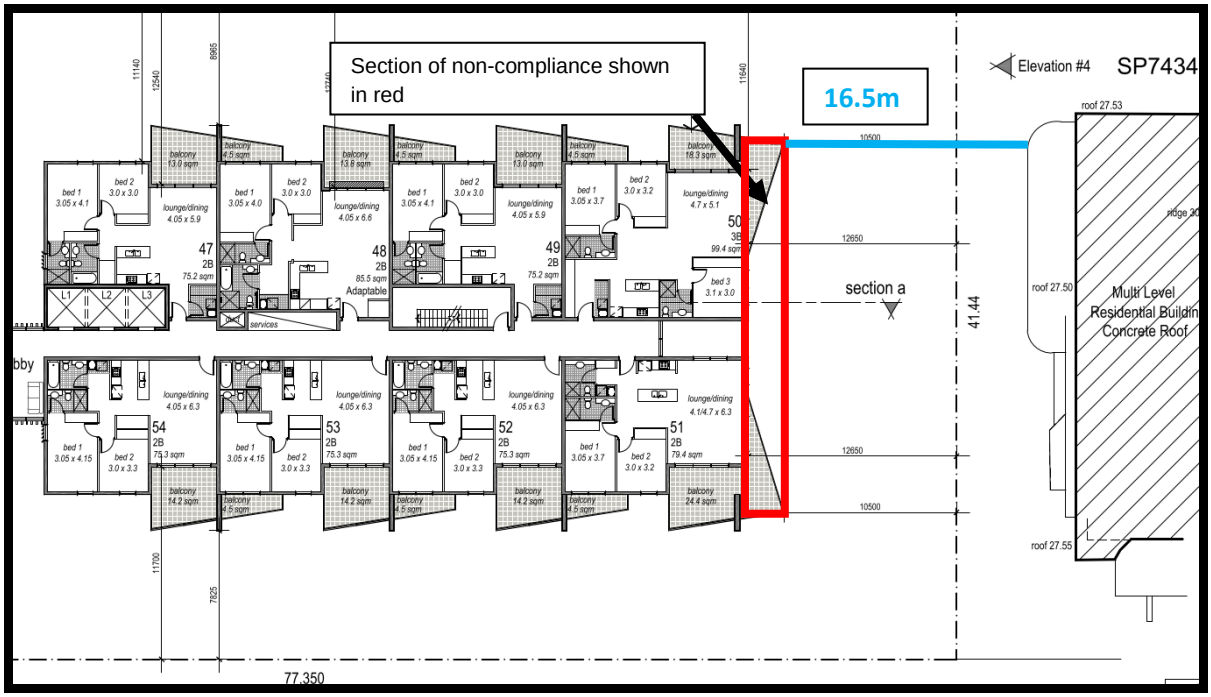

Figure 18 Non-compliance on southern elevation

The variation to Section 2F – building separation is worthy of support in this instance for the following reasons;

1) The non-compliance along the eastern elevation is isolated to a 14.5m section of an approximately 70m long eastern façade and therefore is considered a minor non-compliance.
2) The proposed non-compliance is created by the fact the adjoining buildings to the east and south have been built with a 5m setback to the boundary which does not comply with the ADG. Therefore imposing strict compliance would be considered onerous in this instance.
3) The proposed building incorporates the required setback at this height environed by the ADG to enable the equitable distribution across boundaries.
4) Despite the non-compliance the proposed building maintains appropriate solar access to adjoining buildings.
5) A condition of consent has also been imposed requiring a 1.8m high louvered balcony screen be constructed for all balconies of the units where the non-compliance is generated. This condition will ensure privacy is maintained to the adjoining buildings.

Variation to 4E – POS on Balconies

As indicated in the above table the development proposes a non-compliance with regards to Section 4E – POS on balconies. The ADG requires balconies for 3 bedroom units to have a have a minimum depth of 2.4m. Units 11 and 24 have a minimum depth of 2m, representing a non-compliance of 0.4m.

The variation to Section 4E – POS on balconies is worthy of support in this instance for the following reasons;

1) Although, the balcony width does not comply with the requirement of 2.4m, it provides an area of well over the total of 12m².

2) These balconies provide sufficient area to accommodate for outdoor living within the 2m depth for use as private open space.

3) These balconies are wrap around balconies and achieves the amenity and the functionality for everyday living and is appropriate for a three bedroom apartment given that an ample of area is provided for a family to use.

Variation to 4F - Common Circulation and spaces

As indicated in the above table the development proposed a non-compliance with regards to section 4F. The ADG recommends a maximum number of eight apartments off a circulation core on a single level. The proposal provides for a maximum of 13 units off a circulation core.

The variation to section 4F – Common Circulation and spaces is worthy of support in this instance for the following reasons;

1) The development was presented previously to the DEP, included 14 Units off one circulation core. The proposal has since been amended in response to the DEP comments which have requested an opening to the southern end of the corridor, by removing the unit on the far southern end of the building. This is to allow entry of light to the corridor and will increase the number of units with cross ventilation.

2) The lobby area at the northern end of the building has aalso be widened in response to DEP comments to enable greater sun penetration to the building and improve the cross-ventilation.

3) Given that the building is broken up into two towers, this space breaks up the lengthy corridor and is visual pleasant as light enters through the void area in-between the two towers, further, a lounge area is provided on every second level as requested by the DEP.

(b) State Environmental Planning Policy (Infrastructure) 2007

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

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

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

(a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time."

The application was accompanied by an Acoustic Report, which concluded that the proposed development will meet the required noise reduction levels as required in Clause 102 of the SEPP (infrastructure).

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

Schedule 3 Traffic generating development to be referred to RMS

SEPP (Infrastructure) 2017 requires a RFB development of 75 units or more, to be referred to the RMS should the development site access to a classified road or to road that connects to a classified road (if access within 90m of connection, measured along alignment of connecting road.

The proposed RFB development contains 93 units and is within 37m to the Hume Highway. As such, the proposal has been referred to the RMS, whom have approved the application and provided conditions of approval.

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

The objectives of SEPP 55 are:

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

Pursuant to clause 7 of the SEPP, Council must consider:

- *Whether the land is contaminated.*
- *Whether the consent authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use*.

Comment: Council's records indicate that historically the uses on site were predominately residential in nature. As such Council considers that previous historic uses do not involve activities that may cause contamination.

The proposal also involves a significant amount of excavation to cater for basement parking. This excavation will also lend itself to remove any potential contamination concerns on site. There will also be conditions imposed requiring any imported soils to the site to undergo a contamination site assessment to ensure all imported soils are free of contaminants.

Table 3 – Clause 7 of SEPP 55

Clause 7 - Contamination and remediation to be considered in determining development application	**Comment**
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	Council's records indicate that historically the uses on site were predominately residential in nature.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The site is suitable for residential 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.	Land is to be remediated if any contaminants are found during excavation works.

Aerial images from 2002 found on Council's Geocortext GIS system illustrates the presence of the existing dwelling (Figure 1), which suggests the site has principally been used for residential purposes for at least the past 14 years.

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

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

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

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

(d) State Environmental Planning Policy (BASIX) 2004

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

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

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

When a consent authority determines a development application planning principles are to be applied (Clause 7(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.

Table 4 – General Principles of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP).

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.

(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The proposal provides soil and erosion control measures.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal provides a stormwater management system that will connect to the existing system. A Stormwater concept plan also outlines proposed sediment and erosion control measures.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the *Georges River Catchment Regional Planning Strategy* (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for residential development and is considered appropriate for the site.
Clause 9 Specific Principles	**Comment**
(1) Acid sulfate soils	The site is not affected by acid sulphate soils.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site has a low risk flooding affectation. Council's flooding engineers have reviewed and supported the application.
(4) Industrial discharges	Not applicable. The site has been used for residential purposes.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services.
(10) Urban development areas	The site is not identified as being located within the

	South West Growth Centre within the Metropolitan Strategy. The site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	A drainage plan proposes stormwater connection to existing services.
(13) Wetlands	Not applicable.

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

(f) Liverpool Local Environmental Plan 2008

(i) Permissibility

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

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

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

(ii) Objectives of the zone

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

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land that would prevent the achievement of high density residential development.*

The proposed development would meet and satisfy the above stated objectives. Specifically, the buildings will provide a total of 93 dwellings (a mix of, 1, 2, 3 bedroom units and a number of adaptable units).

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

(iii) Principal Development Standards

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

Table 5 – Principle Development Standards

Clause	Provision	Comment
Clause 2.7 Demolition Requires Development Consent	The demolition of a building or work may be carried out only with development consent.	Complies Consent is sought for the demolition of existing buildings.
Clause 4.3 Height of Buildings	Maximum height of 35m	Complies A maximum height: 26.65m (lift overrun to 27m)
Clause 4.4 Floor Space Ratio	Maximum FSR of 3:1 which equates to a GFA of 10,806m^2.	Complies A FSR of 2.45:1 is proposed, which equates to a GFA of 8586.7m^2.
4.6 Exceptions to Development Standards	None proposed.	N/A
5.6 Preservation of trees and vegetation	Five (5) non-significant trees are proposed to be removed; the trees appear to be in deteriorating condition. The development is accompanied by an integrated landscape plan, which proposes the planting of street trees and canopy trees within the site and private open space areas.	Complies
5.10 Heritage Conservation	**(1) Objectives** The objectives of this clause are as follows: a) to conserve the environmental heritage of Liverpool, b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, c) to conserve archaeological sites, d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	Complies The development site is not identified as a heritage item pursuant to Schedule 5 of the LLEP 2008 or as having archaeological potential. However, it is located within the vicinity of a heritage item being item Number 89 known as the Plan of Town of Liverpool (Hoddle Grid 1827). The development site is also within visual proximity to Apex Park, environmental heritage item Number 81. See the LLEP 2008 Environmental Heritage extract below. The proposal is considered to be consistent with the objectives of this

		Clause.
	 ***Figure 19-*** *Environmental Heritage Map (item No.81 & 89) 20-28 Copeland Street, Liverpool* *Source: Geocortext*	
	(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	Complies The effect of the development has been considered and is acceptable. Further, the proposed works have been reviewed by Council's Heritage Officer and has raised no issues as the proposed development will not have an adverse impact on the Liverpool Town Plan. No changes are proposed to the road alignment and the development is contained wholly within the site boundaries. Conditions of consent are imposed to ensure that aboriginal objects are appropriately managed should they be discovered during construction.
7.1 Objectives for development in Liverpool City Centre	**Objectives** *a) to* preserve *the existing street layout and reinforce the street character through consistent building alignments,* *b) to allow sunlight to reach buildings and areas of high*	Consistent with objectives a) The development features an articulated rectangular in Mass residential flat buildings which is aligned with the street. b) The proposed development will allow sunlight to reach buildings and the

	pedestrian activity, *c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,* *d) to improve the quality of public spaces in the city centre,* *e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,* *f) to enhance the natural river foreshore and places of heritage significance,* *g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.*	pedestrian areas. c) The development will remove the current three vehicular access driveways from the Copeland and Campbell Streets and introduce a single driveway leading to the basement parking level beneath the building, which will help to minimise traffic conflicts as it is as far as possible away from Copeland Street (also known as the Hume Highway). d) The development provides a high quality presentation to the public domain and presents a prominent corner on the crossing of Copland and Campbell Streets. e) This objective is not relevant to the proposal as it is not within the immediate locality of the Warwick Farm and Liverpool Train Stations. f) This objective is not relevant as the proposal is not within close proximity to a natural river. In relation to enhancing places of heritage significance, the proposal will upgrade the Council strip area to ensure that it is consistent with Council's street pattern policy. g) Not Relevant
7.2 Sun access in Liverpool City Centre	This clause does not apply to the subject site.	Not Applicable
7.3 Car parking in Liverpool City Centre	Subject site is not in either zone B3 or B4 and therefore does not apply.	Not Applicable The subject site is zoned R4 High Density Residential.
Clause 7.4 Building Separation in Liverpool City Centre	Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least: - 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) - 12 metres for parts of buildings between 25 metres and 35 metres above ground	Complies For parts of the building between 12-25m in height a building separation 14m-18m is provided to the adjoining buildings to the east and south. No existing buildings surrounding the development exceed a height of 25m However the proposal provides for more than half the separation distance required at this height to enable a similar development to be constructed on adjoining sites.

	level (finished)	
7.5 Design excellence in Liverpool City Centre	This Clause 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.	Proposed development exhibits design excellence. The matters set out in the Clause have been carefully considered in consultation with the expert independent DEP. Consequently, the application has been through amendments to improve the design quality in line with provisions of the LLEP 2008 and the comments provided by the DEP. In conclusion, the overall development satisfies the LLEP 2008 design excellence provisions and demonstrates satisfactory design quality.
Clause 7.14 Minimum Building Street Frontage	Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres: - any residential flat building.	Complies A building street frontage of 77.35m is provided to Copeland Street.
Clause 7.8 Flood Planning	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land, and (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding,	Complies The subject site is within a low flood risk area, Council's Floodplain Engineer has reviewed and supported the application. The lowest habitable FFL of RL 12.30 is consistent with Council's requirements.

	and (f) is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual.	

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

No draft instruments apply to this site.

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

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

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

Table 6 – Liverpool Development Control Plan 2008

LDCP 2008 Part 1: General Controls for All Development		
Control	**Provision**	**Comment**
Section 2. Tree Preservation	Controls relating to the preservation of trees	Complies No significant vegetation located on the subject site, five (5) scattered trees are proposed to be removed due to their location within the basement building line. The application was accompanied by an Arborist Report, which supports the removal of the trees and the protection of any tree on adjoining site that is within close proximity to the construction works. Council's Landscape Officer has reviewed and supported the application.
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 significant native flora and fauna.
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable The development site is not identified as being bushfire prone land.

Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions.
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Not Applicable The development site is not within close proximity to a water course.
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Complies The development site is within a low flood risk area, appropriate measures have been taken into consideration. Council's Floodplain Engineer has reviewed and supported the application.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies As discussed within this report, the site is considered suitable for the development as it has been utilised for residential purposes for over 14 years.
Section 11. Salinity Risk	Provisions relating to development on saline land. The site is identified as containing Moderate to high salinity potential.	Complies The development site is identified as containing a moderate to high salinity potential, a satisfactory erosion and sediment control plan has been submitted, as well as conditions of consent will be imposed to ensure appropriate measures are implemented during construction.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The development site is not identified as containing the potential for acid sulphate soils to occur.
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
Section 14. Demolition of Existing	Provisions relating to demolition works	Complies Conditions of consent will be imposed to ensure demolition works are carried out in accordance

Development		with relevant Australian Standards.
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable OSMS is not proposed.
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Not Applicable The site is not identified as having archaeological potential in accordance with the Liverpool Archaeological Zoning and Management Plan 1996, prepared by Casey and Lowe.
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Complies This aspect has been discussed in detail within the LLEP 2008 assessment under Clause 5.10 Heritage Conservation
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was not required to be notified.
Section 19. Used Clothing Bins	Provisions relating to used clothing bins.	Not Applicable The DA does not propose used clothing bins.
Section 20. Car Parking and Access	Residential Development Car Parking Requirements: - 1 space per two studio apartments - 1 space per one bedroom or two bedroom apartments - 1.5 spaces per three of more bedroom units - 1 space per 10 units or part thereof, for visitors - 1 space per 40 units for service vehicle (including removalist vans (and car washing bays, up to a maximum of 4 spaces per building).	Based on the 93 units The following parking is required: - 10 x 1 bedroom units requires 10 spaces - 72 x 2 bedroom units requires 72 spaces - 10 x 3 bedroom units requires 15 spaces - 1 x 4 bedroom unit requires 1.5 spaces A total of 98.5 spaces required for the residential units. - 93 residential units requires 9.3 visitor spaces - 2 carwash/service bays are required. The following parking is provided: - 112 spaces for residential units - 9 spaces for visitors - 1 carwash/service bays As the proposal provides excess parking, a condition of consent will be imposed requiring 2 residential spaces be converted to a second car wash/service bay, thus providing 2 carwash/service bays.
	Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces. Required: 6 spaces	Complies Proposed: 7 spaces for motorcycles

	Provide 2% of the total demand generated by a development, for parking spaces accessible, designed and appropriately signposted for use by persons with disabilities.	Complies A total 8 spaces of the 98.5 required parking spaces shall be accessible spaces equates to 8%.
	1 bicycle space per 200m^2 of gross floor area. 15% of this requirement is to be accessible to visitors	Complies A total GFA of 8,586.7m^2 is provided, therefore 43 bicycles are required, and 6 are required to be allocated for visitors. A total of 62 bicycle spaces are provided, including 38 of which are accessible to visitors.
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	Not Applicable The DA does not propose the subdivision of land.
Section 22. and Section 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Complies Conditions of consent will be imposed to ensure compliance with the BASIX commitments.
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Complies <u>During Construction:</u> A waste management plan has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction. <u>On-going Waste Management:</u> A garbage, recycling storage area, bulky waste area and a separate garbage chute room are located on the Ground floor. The 660 litre waste bins will be wheeled to the street by a contractor. Likewise, the 240 litre recycling bin. All waste handing activities (including the transfer of recycling bins) will be undertaken by representatives of the Owners Corporation.
Section 26 Outdoor Advertising and Signage	Provisions relating to signage.	Not Applicable The DA does not propose any signage.
Section 27. Social Impact Assessment	A social impact comment shall be submitted for residential flat buildings greater than 20 units.	Complies A social impact comment has been submitted. The proposed development is generally consistent with the objectives of Section 27 of Part 1 LDCP 2008, in that the development will result in positive social impacts by encouraging communities where people want to live and enjoy due to the good

		amenity provided by the development.
LDCP 2008 Part 4: Liverpool City Centre		
Control	**Provision**	**Comment**
Section 2 Controls for Building Form		
Building Form	Street building alignment and street setbacks applicable to the site is as follows: 4 - 4.5m landscaped setback to Campbell Street; and 8m landscaped setback to Copeland Street (Hume Highway).	Complies Campbell Street setback: 5.175m with staggered building line. Copeland Street Setback: 8.15m with staggered building line. The greater building setback to Copeland Street is supported and encouraged as the kerb and gutter will be required to be relocated inward given that a median strip will be constructed on Campbell Street at the intersection of Copeland Street, and this will require a slight road widening requiring the relocation of the street kerb and gutter.
	The external facades of buildings are to be aligned with the streets that they front.	Complies The external facades align with the streets.
	Balconies may project up to 1.2m into front building setbacks in the High Density Residential zone Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible.	Complies The maximum balcony projection along Copeland Street is 1.2m. The maximum balcony projection along Campbell Street 0.18m.
Street Frontage Height	A street frontage height (SFH) of 15m-25m is required for Copeland and Campbell Streets	Does not comply, but satisfactory The SFH measured from the Ground Floor is 25m. However, being a site that is identified as a special corner in the LDCP 2008 and given the location and the context of the locality, the height variation is considered satisfactory, see detailed discussion below.
Building Depth and Bulk	The maximum floor plate size above a height of 25m is 20% of the gross floor area.	Complies The GFA above 25m are less than 20% of the total GFA of the development. The proposed building reaches a maximum height of 26.65m from ground level and a total of 8 levels is proposed. The 8th level is 11% of the total GFA of the development which equates to 975.3m^2
Boundary Setback	Required side and rear setbacks are: Up to 12m in height	Complies **Southern boundary (side)** The building provides a minimum 10.5m side

	<table><tr><td></td><td>Side</td><td>Rear</td></tr><tr><td>Non-habitable</td><td>3</td><td>6</td></tr><tr><td>habitable</td><td>6</td><td>6</td></tr><tr><td colspan="3">From 12m to 25m</td></tr><tr><td></td><td>Side</td><td>Rear</td></tr><tr><td>Non-habitable</td><td>4.5</td><td>6</td></tr><tr><td>habitable</td><td>9</td><td>9</td></tr><tr><td colspan="3">From 25m to 35m</td></tr><tr><td></td><td>Side</td><td>Rear</td></tr><tr><td>Non-habitable</td><td>6</td><td>6</td></tr><tr><td>habitable</td><td>12</td><td>12</td></tr></table>	setback at all levels. **Eastern boundary (rear)** The building provides a minimum 9.5m setback to the eastern boundary at all levels.
Site Cover and Deep Soil Zones	The deep soil zone shall comprise no less than 15% of the total site area. It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6m.	Does not comply Deep soil area with min. 6m width is 13% (458.5m^2).The total deep soil area with min. 4m width is19% (649m^2). It is noted that the deep soil area complies with the ADG requirements of 7%. The variation is considered acceptable given that the areas within the 4m width portion can still support mature plants.
	Deep soil zones are to accommodate existing mature trees as well as allowing for the planting of trees/shrubs that will grow to be mature plants.	Complies The deep soil zones will include trees that will reach a mature height of 8m. Existing trees are also being retained within the deep soil areas.
Landscape Design	Landscaped areas are to be irrigated with recycled water.	Complies Can be conditioned.
	Landscape species are to be selected in accordance with Council's schedule of Preferred Landscape Species.	Complies Suitable landscape species have been chosen. The landscape plan has been reviewed by Council's Landscape Office who has raised no issues.
	Remnant vegetation must be maintained throughout the site wherever practicable.	Not Applicable Given the design of the basement, the five existing trees are required to be removed.
	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	Complies Conditions can be imposed to ensure the long term maintenance of the landscaped areas.

	maintained for the life of the development.	
	Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice).	Not Applicable Public spaces are not proposed.
Planting on Structures	Areas with planting on structures are to be irrigated with recycled water.	Complies The landscape plan has been reviewed by Council's Landscape Officer, who has raised no issues in regards to this aspect, subject to conditions.
	Design for optimum conditions for plant growth by: - providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, - providing appropriate soil conditions and irrigation methods, and - providing appropriate drainage. - Design planters to support the appropriate soil depth and plant selection by ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and providing square or rectangular planting areas rather than narrow linear areas.	
	Increase minimum soil depths in accordance with: - the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, - the level of landscape management, particularly the frequency of irrigation, - anchorage requirements of large and medium trees, and soil type and quality.	
	Provide sufficient soil depth	

	and area to allow for plant establishment and growth. The following minimum standards are recommended: - Large trees (over 8m high) minimum soil depth 1.3m, minimum soil volume 150m^3 - Medium trees (2 – 8m high), minimum soil depth 1m, minimum soil volume 35m^3 - Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m^3 - Shrubs and ground cover, minimum soil depth 0.5m, no minimum soil volume.	
Amenity		
Pedestrian Permeability		Not Applicable The site is not affected by through-site connections, block links or arcades.
Active Street Frontages & Address	Active ground floor required	Complies The ground floor is entirely occupied by residential units, six pedestrian building access points have been introduced to spread out the pedestrian activity, foot paths lead to lifts, outdoor communal area, and to Ground floor individual units. It is considered that sufficient passive surveillance is provided. Further, the DEP has supported the application.
Front Fences	Controls relating to front fences	Not Applicable Front fences are not proposed.
Safety and Security	Address 'Safer-by-Design' principles to the design of public and private domain, and in all developments (including the NSW Police 'Safer by Design' crime prevention though environmental design (CPTED) principles).	Complies The proposed development is considered to be satisfactory in relation to the safer by design principles.
	Ensure that the building design allows for passive surveillance of public and communal spaces, access ways, entries and driveways.	Complies The design of the development allows for passive surveillance of access ways and driveway.
	Avoid creating blind corners and dark alcoves that provide concealment opportunities in	Complies The development does not create any blind

	pathways, stairwells, hallways and car parks.	corners or dark alcoves.
	Maximise the number of residential 'front door' entries at ground level.	Complies Three front entrances are provided to Copeland Street.
	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 main entrance.
Vehicle Footpath Crossings	No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified within the LDCP2008.	Complies Only one vehicle entry point is proposed from Campbell Street.
	In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.	Complies The proposed development will involve one vehicle entry point, for all vehicles and service vehicles.
	Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with high pedestrian priority routes identified in Figure 18 (marked yellow).	N/A The site does not adjoin a laneway or a minor street.
	Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.	N/A Sharing a driveway is not feasible.
	Vehicle access ramps parallel to the street frontage will not be permitted.	N/A The proposed vehicle access ramp is perpendicular to the street.
	Ensure vehicle entry points are	Complies

	integrated into building design.	The driveway entry is integrated into the building design.
	Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	Complies The vehicle entry will use the same materials as per the rest of the building.
Building Exteriors	Balconies and terraces should be provided, particularly where buildings overlook public spaces. Gardens on the top of setback areas of buildings are encouraged.	Complies The development provides for balconies and terraces to all floors.
	Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.	Complies The building facades are articulated through the provision of a wide variety of design elements such as windows with varying proportions, balconies, glazed and masonry balustrades and sun screens.
	Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage.	Complies The building frontage does not contain any blank walls.
	Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.	Complies Highly reflective materials will not be used.
	A materials sample board and schedule is required to be submitted with applications for development over $1million or for that part of any development built to the street edge.	Complies A colour schedule as well as 3D modelling has been provided which gives a clear indication of the colour and types of materials that will be used.
	Roof top structures, such as air conditioning, lift motor rooms, and the like are to be incorporated into the architectural design of the building.	Complies Roof top structures are incorporated within the internal design of the development and will not be visible from public view.
Corner Treatment	**Objectives** a) To contribute to the legibility of a city. b) To encourage the use of architectural techniques to	Consistent with objectives: a) The proposed contributes to the legibility of the city as it clearly defines the gateway to the CBD. b) Architectural techniques and building

	place emphasis on corner buildings. c) To recognise the high visibility and contribution of particular corner sites to overall city streetscape and „gateway" design. d) To address heritage buildings on corner sites.	massing has been utilised to emphasis the corner, the two storey maisonette style dwellings on levels 7 and 8 feature a ship-like glazed finish on the corner of Copeland and Campbell Streets. c) The proposal contributes to the overall city streetscape and gateway design by enhancing the corner site by way of building mass, height, aesthetical architectural features and dense landscaping along the Council strip. d) No heritage buildings on this corner.
	1. 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. 2. 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. 3. Notwithstanding the above, new corner buildings opposite or adjacent to public open space are to comply with the sun access controls as set out in *Liverpool LEP 2008*.	Complies 1. The subject site is identified as a special corner site, as such, the proposal exhibits a distinguished contemporary architectural features to the adjoining buildings by way of building massing, height, materials and colours, and building articulation. Two additional storeys added. See extracts below. 2. Not opposite or adjacent to a heritage item. 3. Not opposite or adjacent to a public open space as the public recreation area is located on the western side of Copland Street at the rear of a strip of R2 – Low Density zoned land occupied by single storey dwellings.
	 LDCP 2008 Part 4 extract – Corner Treatment	 Photomontage of Corner treatment - Architex

Traffic And Access		
Pedestrian Access and Mobility	Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Complies The main entry point is orientated to the street and will be visible. The main entry includes a ramp suitable for wheelchair access leading to foyer and lift area.
	The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standards.	Complies The design of the car parking facilities is in accordance with Australian Standards. The application has been reviewed by Councils Traffic and Transport Section & is considered acceptable
	The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	Complies Barrier free access is provided to the ground floor.
	The development must provide accessible internal access, linking to public streets and building entry points.	Complies Sufficient accessible internal access is provided to the street and building entry points. The accessible unit is located on the ground floor.
	Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	Complies Durable materials will be used which include but limited to concrete footpath, paving and tiles.
Vehicular Driveways and Manoeuvring Areas	Driveways should be: - provided from lanes and secondary streets rather than the primary street, wherever practical, - located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, - located a minimum of 10m from the	Complies A driveway is provided located on the northern side of the development with access from Campbell Street. The location of the driveway will not be in conflict with any services located within the road reserve. The location of the driveway is unlikely to create a noise and amenity impact on adjacent residential development. Furthermore, it is recommended that advisory notes are imposed advising the application to conduct a ‘dial before you dig’.

	perpendicular of any intersection of any two roads, and - Located to minimise noise and amenity impacts on adjacent residential development.	
	Vehicle access is to be integrated into the building design so as to be visually recessive.	Complies The vehicle access is visually recessive as it leads down to basement car parking.
	All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	Complies Minimum aisle widths are provided within the basement car parking area to sufficiently enable a three point turn. All vehicles will therefore be able to enter and exit the site in a forward direction.
	Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.	Complies Conditions will be imposed regarding the approval of Section 138 Roads Act certificate and a driveway crossing application.
	Driveway widths must comply with the relevant Australian Standards.	Complies A suitable driveway width is provided which is in accordance with AS.
	Car space dimensions must comply with Australian Standard 2890.1.	Complies Car space dimensions are in accordance with AS.
	Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).	Complies The driveway grades, vehicular ramp width/grades are in accordance with relevant AS.
	Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.	N/A No habitable rooms are located adjacent to the access way.
On Site Parking	Car Parking Requirements - 1 space per one bedroom or two bedroom apartments; - 1.5 spaces per three or more bedroom units	As discussed above appropriate parking facilities are provided.

	- 1 space per 10 units for visitors - 1 space per 40 units for service vehicle	
	Motorcycle Car Parking Spaces - 1 motorcycle space per 20 car spaces	
	Accessible Car Parking Spaces - 2% of the total demand generated by a development.	
	Bicycle Parking - 1 bicycle space per 200m^2 of LFA.	
	Car parking and associated internal manoeuvring areas provided over and beyond that required by the LDCP 2008 is to be calculated towards gross floor area.	N/A
	Car parking above ground level is to have a minimum floor to ceiling height of 2.8 so it can be adapted to another use in the future.	N/A All car parking is contained within the basement levels.
	Onsite parking must meet the relevant Australian Standards	Complies Subject to conditions.
Environmental Management		
Energy Efficiency and Conservation	New dwellings are to demonstrate compliance with SEPP (BASIX), 2004	Complies The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP (BASIX), 2004. It is recommended that conditions are imposed to ensure compliance with the BASIX commitments.
Water Conservation	New dwellings are to demonstrate compliance with SEPP (BASIX), 2004	Complies The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP (BASIX), 2004. It is recommended that conditions are imposed to ensure compliance with the BASIX commitments.
Reflectivity	New buildings and facades should not result in glare that causes discomfort or threatens	Complies The types of building materials used in the facade

	safety of pedestrians or drivers.	include painted rendered finish, face brick, glazing, aluminium framed windows and metal roofing. It is unlikely that these materials will result in an unacceptable level of glare on pedestrians and/or drivers.
	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.	Complies No light reflective material proposed.
	Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required	N/A A reflectivity report is not required given the materials used will not result in an unacceptable level of solar glare.
Wind Mitigation	To ensure public safety and comfort, the following maximum wind criteria are to be met by new buildings: - 10m/second in retail streets, - 13m/second along major pedestrian streets, parks and public places, and - 16m/second in all other streets.	Complies It is unlikely the proposed development will impact upon the public safety in terms of wind.
	Site design for tall buildings (towers) should: - set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower, - ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre, - consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level, and - ensure useability of open terraces and balconies.	Complies The proposed development is technically not considered to be a tower due its height of 26.65m and 27m to the lift overruns.
	A Wind Effects Report is to be submitted with the DA for all	N/A

	buildings greater than 35m in height.	The development does not exceed 35m in height.
	For buildings over 48m in height, results of a wind tunnel test are to be included in the report	N/A The development does not exceed 48m in height.
Noise	An acoustic report is required for all noise affected locations, as identified in figure 25.	Complies As demonstrated within the Acoustic Report, the dwellings will be able to achieve compliance with the noise criteria, subject to noise mitigation measures.
	Sites adjacent to noise sources identified in figure 25 are to be designed in a manner that any residential development is shielded from the noise source by virtue of the location and orientation of built form on the site.	
	An 8m setback is to be provided to any habitable building located adjacent to the Hume Highway	
Waste	Provisions must be provided for the following waste generation: - General waste: 240/2xweek/4 dwelling. - Recycling: 240/2xweek/4 dwelling - Green waste: a communal waste bin of sufficient capacity to accept waste from landscape areas.	Complies In accordance with the LDCP 2008, the development proposes the following storage of waste: 660L waste and 240L recycle bins per 4 units, collected twice a week by a service vehicle in accordance with Liverpool Waste Management services fact sheet for residential flat buildings and multi dwelling housing.
	In a development of more than six dwellings or where the topography, or distance to the street makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is: - Not visible from the street - Easily accessible to dwelling occupants - Accessible by collection vehicles (or adequately managed by the body corporate to permit	Complies The following comments are made: - The waste storage area will not be visible from the street. - It is also easily accessible for dwelling occupants. - The storage area will be managed by the body corporate - Water facilities can be conditioned. - The waste storage area does not immediately adjoin private open space, windows or clothes drying areas.

	relocation of bins to an approved collection point), - Has water and drainage facilities for cleaning and maintenance; and - Does not immediately adjoin private open space, windows or clothes drying areas	
	The size and number of the waste bins shall be determined having regard to the need for either on-site access by collection vehicles or the requirement for bins to be wheeled to the street for collection by a contractor. If transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point.	Complies The waste bins will be emptied by a service vehicle within the basement by a private contractor.
Controls for Residential Development		
Housing Choice Mix	To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size: - studio and one bedroom units must not be less than 10% of the total mix of units within each development; - three or more bedroom units must not to be less than 10% of the total mix of units within each development, and	Complies: The apartment mix is as follows: - 10 x 1 Bed Units (10.7%) - 72 x 2 Bed Units (77%) - 11 x 3 Bed Units (11.8%) - 1 x 4 Bed Unit (0.10%)
	For smaller developments (less than six dwellings) achieve a mix appropriate to the locality.	N/A
	For development built by (or on behalf of) the Department of Housing, an alternative mix of unit types may be approved, subject to housing needs being demonstrated by the Department.	N/A

	For residential flat buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes "pre-adaptation" design details to ensure useability is achieved.	N/A
	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.	Complies Adaptable units are provided throughout various levels of the buildings, which is considered acceptable given that lift access is provided from the basement to the adaptable units on each level.
	The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	Complies A satisfactory Access report is provided stating compliance with the relevant AS.

The above assessment has found that the development is generally compliant with the LDCP 2008 and satisfactory. However, the following variations are sought to the controls:

Street Frontage Building Height (SFH)

Part 4 of the LDCP 2008, stipulates a street frontage building height requirements of 15-25m along Campbell and Copeland Streets.

The development proposes a street frontage height of 8 storeys or approximately 26.65m, a variation of 1.65m.

Although the proposed development does not strictly comply with the SFH control, the objectives are considered to have been met. The SFH objectives are:

a) Provide a strong, consistent and appropriate definition of the public domain.

b) To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.

c) To protect solar access to key streets and public spaces.

The proposed development is consistent with abovementioned objectives as the bulk and scale of the development provide a strong and appropriate definition of the public domain being identified as special corner as it features a prominent corner design to the intersection of the Hume Highway and Campbell by way of architectural design that creates visual interest.

The proposed SFH variation is considered to be desirable in this instance given that it is a special corner and a gateway to the Liverpool CBD, it does not set a precedence for other developments in the immediate locality as the architectural treatment is specifically applied to this site as it is the best possible planning outcome for the site, the immediate locality (being the corner) and the Liverpool CBD (being a gateway site).

The proposal creates a positive experience for pedestrians as it does not impede daylight access, the scale of the bottom third of the building is suitable for human scale, provides a sense of enclosure and a healthy environment due to the dense landscaping and additional street trees proposed.

The site is located on Copeland Street/Hume Highway and is provided with a larger front setback than standard and the road reserve has significant width which means the lack of recess at the upper level does not overwhelm the streetscape.

The proposal does not adversely impact Apex Park noting the site is not subject to the 15m height limit as specified in the LLEP 2008.

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

No planning agreement relates to the site or proposed development.

8.5 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.

8.6 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.

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

(a) Natural and Built Environment

Built Environment

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

The proposed scheme featuring a ‘rectangular shaped building is considered to be an appropriate design which is responsive to the location and the orientation of the site, allowing sufficient spatial relief and solar access to the adjacent developments to the East and South of the site. The development satisfactorily addresses Copeland and Campbell

Streets with a contemporary built form that would activate the street. Furthermore, the proposal has been designed with adequate regard to the Eastern and Southern adjoining sites without having any adverse impact on the development potential of these adjoining sites. In this regard, the some of the Eastern adjoining sites would be able to be similarly re-developed to the same level of intensity as the proposal and still achieve compliance with SEPP 65 requirements. The adjoining site to the South is occupied with a six (6) storey RFB.

Heritage impacts

The proposed development is unlikely to generate any adverse impacts upon the 'Hoddle Grid" – Campbell Street, as no changes to the road alignment are proposed. Additionally, a condition of consent is imposed to ensure compliance with required kerb, gutter and Council Strip area works in accordance with Council's policy.

Noise impacts

A satisfactory Acoustic attenuation report has been submitted which has been reviewed and supported by Council's Environmental Health Department.

Conditions of consent are imposed to ensure compliance with the acoustic report.

Salinity Impacts

Given that the development site is identified to contain moderate to high salinity, a condition of consent is imposed to ensure the submission of a salinity report to Council prior to the issue of a Construction Certificate. Conditions of consent are also imposed to ensure that an appropriate sediment and erosion control method is implemented during construction.

Natural Environment

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

Consideration has been given to the proposed tree removal. The application was accompanied by an Arboricultural Impact Assessment which concluded that all trees of adjoining properties within close proximity to the building works will be protected during construction by providing tree protection zones and special protection works during construction, as outlined within the report.

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

(b) Social Impacts and Economic Impacts

The development is likely to result in a positive social impact within the locality. The subject site is within walking distance to Westfield shopping centre and Macquarie Street Mall, bus services, business centre, and health rooms.

The provision of the communal open space area will promote social interaction and bonding among the residents.

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

Based on the above, it is considered that the proposed development will result in a positive economic impact, through the provision of employment generated during the construction of the development and the on-going building maintenance

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

The site is considered to be suitable for the proposed development. The proposal is generally compliant with the provisions of LLEP 2008, SEPP 65 and LDCP 2008 as outlined in the report.

8.9 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 Surveyors	The application is capable of complying with the BCA, subject to conditions.
Land Development Engineering	Engineering have reviewed and supported the concept stormwater drainage plan, subject to conditions.
Environmental Health	Council's Health and Environment Section have reviewed the Acoustic Assessment which concluded that, provided the recommendations in the report are implemented, the noise from the proposed development is predicted to comply with the acoustic requirements outlined in the relevant guidelines. As such the application is supported, subject to conditions.
Heritage	The proposed development will not have an adverse on the Liverpool Town Plan as no change is proposed to the road alignment and the development is contained wholly within the site boundaries. As such, the application is supported, subject to conditions.
Floodplain Engineering	Council's Floodplain Engineers have reviewed the proposed development and are satisfied that the development will not adversely affect flood behaviour or impact other adjacent development. The application is supported subject to conditions.
Landscaping	Council's Landscape Officer has reviewed the proposed landscaping plan and the tree removal, with no issues raised, subject to conditions.
Traffic and Transport	The traffic and Transport support the application, subject to conditions. The traffic generation impact from the development will not exceed the capacity of the surrounding road network. Additionally, car parking, access and design comply with the relevant requirements.
Community Planning	Community planning have no objections to this proposal.

(b) External Referrals

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

Authority	Comments

Endeavour Energy	Supported.
RMS	The RMS has requested that Council's Traffic Engineers ensure the following is demonstrated prior to the DA approval: Due to the proximity of the driveway to the signalised intersection at the Hume Highway and Campbell Street, the proposed access on Campbell Street should be restricted to a left-in/left-out arrangement. These right turn restrictions should be enforced by installing a median within the property boundary and separate ingress/egress driveways fronting Campbell Street to channel entry and exit movements. As requested, a plan demonstrating the abovementioned changes has been submitted to Council's Traffic Engineers, and is considered satisfactory. Further conditions of consent have been provided by the RMS.

(c) Community Consultation

In accordance with the LDCP 2008, the application was not required to be notified.

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

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

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

9. CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposal substantially complies with the provisions of the LDCP 2008.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the majority of the requirements of the ADG. The scale and built form is consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.
- The development will be well located in relation to transport, employment, shopping, business and community services including medical facilities, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings.
- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site.

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

10. ATTACHMENTS

1. Recommended conditions of consent
2. Architectural plans

3. Landscape plan
4. Photomontage images
5. Stormwater drainage plan
6. Survey plan
7. Statement of Environmental Effects
8. SEPP 65 Verification Statement, Design Principles and Compliance Table
9. Social Impact Statement
10. Acoustic Report
11. Traffic and Transport Assessment Report
12. Arboricultural Impact Assessment Report
13. Access Report
14. Waste Management Plan
15. BASIX Certificate
16. Schedule of Finishes
17. Design Excellence Panel Comments