

SYDNEY WESTERN CITY PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	2016SYW221
DA Number	DA-972/2016
LGA	Liverpool City Council
Proposed Development	Demolition of existing structures and construction of an eight storey residential flat building comprising of 101 apartments over two levels of basement parking with associated landscaping and ancillary site works. Liverpool City Council is the consent authority and the Sydney Western CityPlanning Panel has the function of determining the application.
Street Address	9 – 13 Goulburn Street, Warwick Farm (Lot 202 DP 1025972 and Lots 11 and 12 DP 35110)
Applicant	Ventus Group Pty. Ltd.
Land Owner	SMY Investments Pty. Ltd.
Date of DA Lodgement	18 October 2016
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the Act)	The development has a CIV of \$23,893,032
List of all relevant s79C(1)(a) matters	• <i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</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. • <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i> - N/A • <i>List any relevant development control plan: s79C(1)(a)(iii)</i> - Liverpool Development Control Plan 2008. - o Part 1 – General Controls for all Development. - o Part 4 – Development in the Liverpool City Centre. • <i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i> - No planning agreement relates to the site or proposed development. • <i>List any coastal zone management plan: s79C(1)(a)(v)</i> - The subject site is not within any coastal zone management plan. • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 • Consideration of the provisions of the Building Code of Australia.
List all documents submitted with this report for the Panel's consideration	1. Architectural plans 2. Landscape plan 3. Stormwater drainage plan 4. Survey plan 5. Statement of Environmental Effects

	6. SEPP 65 Verification Statement, Design Principles 7. Acoustic Report 8. Traffic Report 9. Heritage Impact Statement 10. Arboricultural Assessment Report 11. Geotechnical Report 12. Access Compliance Report 13. Waste Management Plan 14. Asbestos Management Plan 15. Design Excellence Panel Minutes 16. BASIX Certificate 17. Letter of attempted Site Consolidation with No. 7 Goulburn Street 18. Recommended Conditions of Consent
Report prepared by	George Nehme
Report date	21 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? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

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

1.2 The proposal

The application proposes the demolition of existing buildings and the construction of a nine (9) storey residential flat buildings containing 101 residential apartments over two levels of basement parking with associated landscaping and ancillary site works.

The proposal is a permissible form of development in the R4 High Density zone pursuant to LLEP 2008.

1.3 The site

The site is identified as 9-13 Goulburn Street, Warwick Farm, and is legally described as Lot 202 in DP 1025972 and Lots 11 and 12 in DP 35110.

1.4 The issues

The main issues identified with the assessment of the application relate to the isolation of the adjoining northern site (No.7 Goulburn Street) and non-compliances with building separation. Discussion pertaining to these issues is detailed further in this report.

The extent of the building separation and setback non-compliances under section 2F and 3F of the Apartment Design Guide (ADG) range from 1.88m-6m (21%-40.6%)



Figure 1- Existing street view Goulburn Street

1.5 Exhibition of the proposal

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

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979. Based on the assessment of the application and the consideration of the variation to the ADG 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 City Centre and is legally comprised of Lot 202 in DP 1025972 and Lots 11 and 12 in DP 35110. The development site is rectangular in shape with an overall area of 2687m². The site has a frontage of 52.43m to Goulburn Street.

The existing development on site consists of two single storey weatherboard detached dwellings which are utilised for residential purposes and one vacant block (No. 9 Goulburn Street). All of which have a frontage to Goulburn 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.

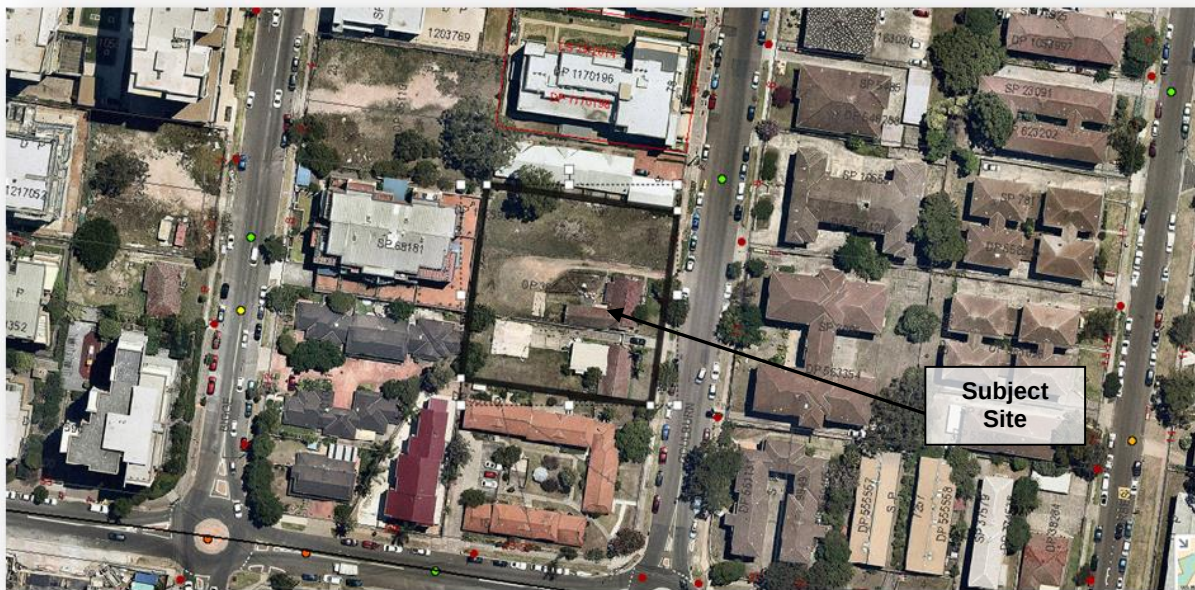


Figure 2- Aerial photograph of the site
Source: Geocortex



Figure 3- No.7 Goulburn Street,
Strata development owned by LAHC



Figure 4- No.9 Goulburn Street, vacant block



Figure 5- No.11 and 13 Goulburn Street,
weatherboard dwellings in deteriorating condition



Figure 6- Goulburn Street,
Current streetscape snapshot

2.2 The locality

The site is located within the Liverpool City Centre, approximately 900m North-West of Liverpool Train Station, and is within 650m North-East of Westfield Shopping Centre and the Macquarie Street Shopping Mall. The site is located within an existing residential area, the immediate adjoining sites are zoned for High Density Residential and are undergoing urban

transformation, the site is approximately 300m North-East of Liverpool Public and Private Hospitals and the medical hub.

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

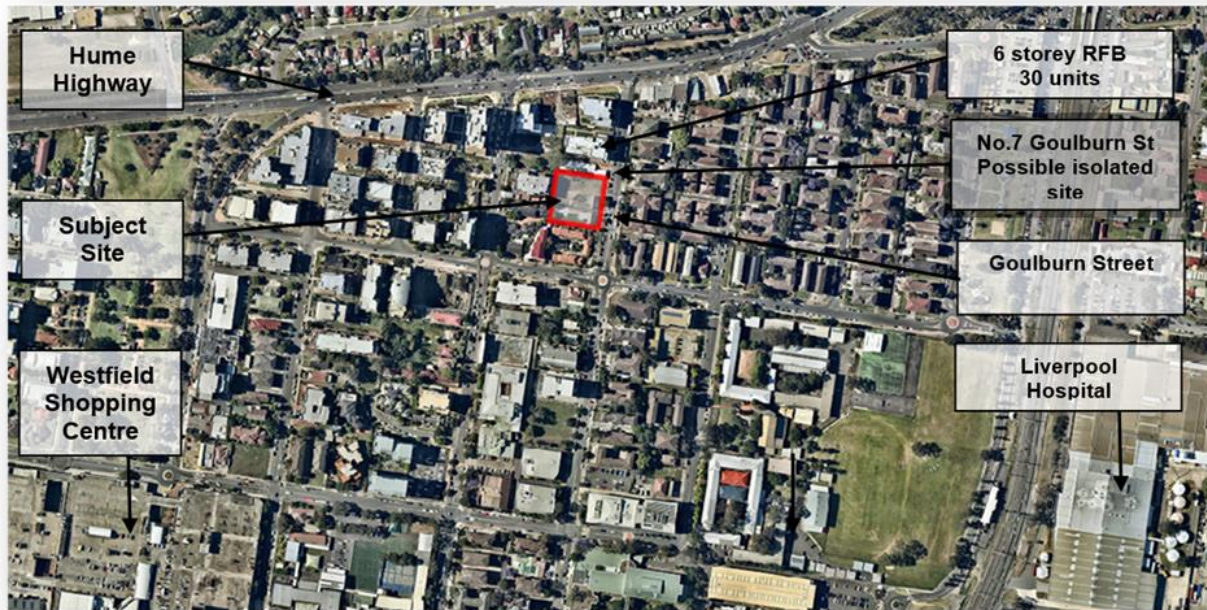


Figure 7- Aerial photograph of the locality
Source: Geocortex

2.3 Site affectations

Heritage

The development site is not listed as a heritage item under Schedule 5 of the LLEP 2008. 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) and item Number 75 known as “Dwelling”. Item No.75 is identified as a red brick bungalow. Item No.75 is located approximately 95m south-west of the development site at No.13 Bigge Street Liverpool. Figure 8 below indicates is location of the subject heritage items in relation to the development site.

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

Comment: *The proposed development would not encroach into the physical curtilage of the street grid. The building is aligned to the street geometry and a landscaped setting is provided along the frontage. .*

Given the distance of the proposal from the heritage item (No.75), the impact of the proposal on the listed heritage item is regarded as minimal and that no specific measures are warranted within the proposal to address the heritage item.

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.

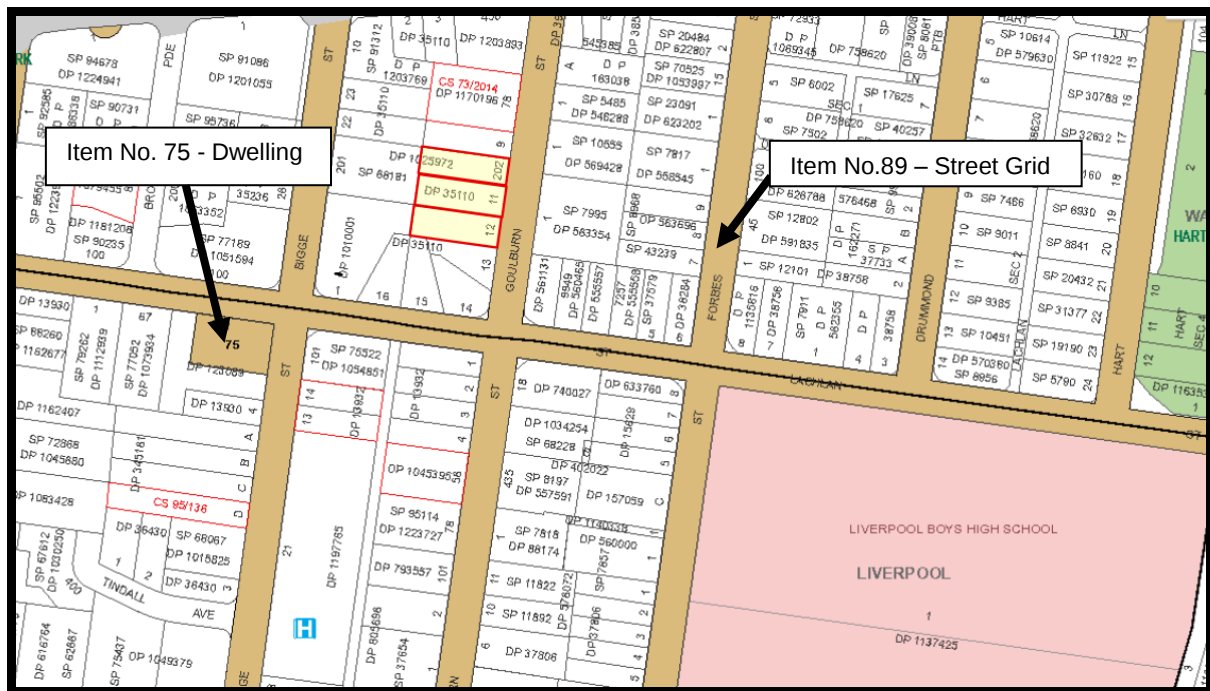


Figure 8: Heritage Affection

2.4 Adjoining Development

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

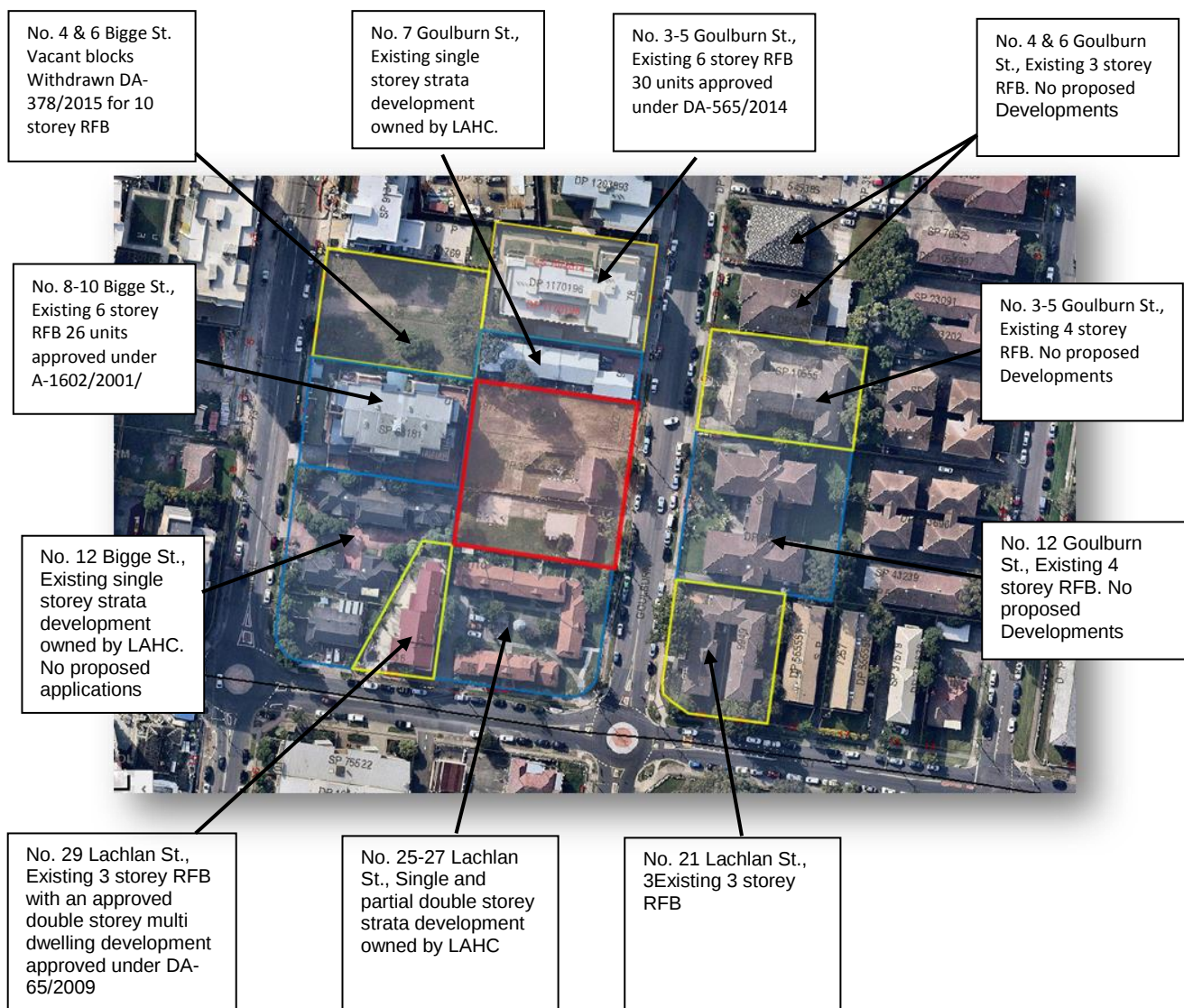


Figure 9- Site context plan showing developments within immediate locality
Source: Geocortex

3. BACKGROUND

3.1 Issues identified in initial assessment

As part of the preliminary assessment of the application, Council sought further information and clarification from the applicant regarding the following:

- *Site Isolation of No. 7 Goulburn Street.*

Comment: Council is to be satisfied that the planning principles established by the NSW Land and Environment Court in the proceedings of *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 have been satisfactorily addressed; as follows:

"Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the

isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.”

In response to the concern above the applicant furnished Council with a series of correspondence outlining attempts to purchase the adjoining site at No.7 Goulburn Street (Attachment 17).

A letter was sent to the NSW Department of Housing Parramatta, by SMY Investments Pty Ltd dated 18th December 2015, enquiring as to whether there is interest in selling the property along with a request for a purchase price.

A letter of response from the Department of Housing was provided to SMY Investments Pty Ltd, dated 7 January 2016 advising that the LAHC policy does not allow the direct negotiations with respect to the purchase of a property. The letter also advised that if the property was to be sold it will be done through a real estate agent.

Subsequent to the first letter, a further letter was sent to the Housing NSW Head Office, dated 15 March 2016, from Ventus Constructions being the applicant of the DA. The letter of 15 March 2016, advised of their intentions of lodging a DA and also advising that if No.7 is not included in the development, the property will be landlocked.

The letter of 15 March requested that they be notified by 30 March 2016 of their intention to sell and if their intention is to sell they will obtain 2 valuations and submit an offer within 10 business days of receipt of the intention to sell.

No response was received to the 15 March letter. A final letter dated 10 May 2017 from Ventus Constructions being the applicant of the DA was sent to the NSW Land and Housing Corporation, requesting a response to the correspondence sent on 15 March 2016.

Following the letter dated 10 May 2017, a letter from the LAHC, signed 16 May 2017 was forwarded to the applicant's consultant on behalf of Ventus Pty Ltd, advising that the property at No.7 Goulburn Street is currently operated by a Community Housing Provider for targeted social housing and therefore is not available for sale at this time.

Aside from the correspondence provided by the applicant, Council on 10 May 2017 sent a letter to the LAHC, advising that the application is in the process of being finalised and if approved the site at No.7 Goulburn Street will be isolated and have extremely limited future development potential going forward. No response was provided to Council in response to the correspondence dated 10 May 2017.

Having regard to the above, it can be determined from the evidence provided that reasonable attempts have been made to consolidate No.7 into the development site notwithstanding no formal valuations have been made.

In the second matter of *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251, Commissioner Tuor extended the above principles to deal with development of isolated sites and established the following:

“The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non-compliance with a minimum allotment size, will both sites be able to

To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

In response to the second part of the principle the applicants have provided Council with an indicative building envelope for No.7 Goulburn Street demonstrating that a residential flat building of up to 4 storeys may be constructed in accordance with the requirements of the ADG. Figure 10 below indicates the indicative building envelope provided.



It is important to note that the endorsement of the indicative building envelope of No.7 Goulburn Street, does not mean a building of this nature will be approved as any future DA will need to be assessed on its merits.

Therefore having regard to the above, Council is satisfied that reasonable attempts have been made to consolidate the adjoining property to the north and despite the isolation of the site a suitable building design may be constructed on this site in accordance with the highest and best use of the R4 zoning in which it is located.

- *Balcony Areas – compliance with the ADG requirements*

Comment: The initial assessment indicated that several of the balconies did not achieve the required depth. However after the lodgement of amended plans and a re-assessment all balconies achieve the minimum width required under the ADG.

3.2 Design Excellence Panel

The application was considered by the DEP prior to the lodgement of the DA on 18 August 2016 for PL-87/2016. The Panel made the following comments:

Comments

- *The Panel queried the isolation of the Department of Housing site to the north. It is understood that a reasonable offer was made but was not accepted. This is documented.*
- *The Panel questioned the location of the driveway and asked if it could be reconsidered as it impacts on the single orientation apartment at ground level and the Department of Housing dwellings, in terms of noise and pollution. The ramp is necessarily long due to basement waste collection. The applicant said the length depends on using Australian or Liverpool Council standards. The architects said that they had wanted to provide landscaping along the edge of the driveway.*

Recommendations

- *The car and truck ramp should be relocated to the centre of the site between the 2 lift cores.*
- *High level windows should be included for the one sided apartments with access from the corridor. This is to address privacy and cross ventilation considerations. Implications from BCA fire egress advice should be sought by the applicant.*
- *In the 'U' building form the corners are to be better resolved. The Panel suggested speaking to a BCA professional re the windows on the corners.*
- *Consider having a two storey volume space that related the entrance lobby to the street as the proposed under-croft area is not a satisfactory solution. The car/truck ramp could be located within this large two storey space. Views could be maintained from street to courtyard above the ramp. The 2 storey height space should be as wide as possible, preferably as wide as the courtyard, and configured to encourage communal interaction.*
- *The Panel expressed concern about the effectiveness of the privacy treatment to external balcony access, and recommended alternative design solutions be considered in conjunction with resolution of associated calculations of GFA to meet required FSR and considerations of privacy.*
- *The Panel supported the choice of the materials and attention to design detail of windows but noted need for solar control treatment on west and north elevations.*

General

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

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

In summary, the DA was lodged on 18 October 2016, which demonstrates all the changes as recommended by the DEP, as follows:

- Reasonable attempts of site consolidation with No. 7 Goulburn Street, Warwick Farm have been demonstrated, refer to evidence in attachment No. 17
- The driveway has been relocated from the Northern side of the property to the centre of the development.
- High level windows have not been included to single aspect apartments facing the corridor, however, air vents have been introduced above the entrance door. This will increase cross-ventilation while maintaining privacy and providing a noise barrier.
- Amended corner windows have been demonstrated, the windows located on the internal corners of the 'U' shape have been designed as advised by a BCA professional as stated in the Statement of Environmental Effects (SEE).
- Privacy treatment to balconies is considered to be satisfactory. On the Northern side, the masonry portion of the fence is 0.9m high, and on the internal northern side the masonry portion of the fence is 1.2m high. Additional conditions may be added to ensure fence height and material. Compliance with the FSR is achieved.
- A two storey volume space has been incorporated as part of the entrance lobby to the street. The car/truck ramp has been relocated to the centre of the site and is directly under the large two storey space. Views are maintained from street to the courtyard above the ramp. The Ground floor level is as wide as the outdoor communal area, and the first floor level space is as wide as the driveway, the building entrance treatment is considered to encourage communal interaction. It is considered that a reasonable effort has been demonstrated to ensure a satisfactory outcome is achieved for the site and the streetscape character in accordance with the DEP recommendation.
- The plans demonstrate a floor-to-ceiling height of 2085mm.

After lodgement of the DA the application was considered by the DEP DA on 19 October 2017. The Panel made the following comments:

The Design Excellence Panel makes the following comments in relation to the project:

- *This is the second time that the proposal has come before a Design Excellence Panel. The proposal was previously considered at the pre-lodgement stage.*
- *The Panel notes that the proposal is within the allowable building height limit as identified in the LLEP 2008.*
- *The separation distances proposed to the side and rear boundaries and between the wings of the building are considered acceptable. The Panel is satisfied that the proposal has adequately shown that adjoining sites can be still be-redeveloped.*
- *The internally facing corner apartments of the building create privacy and acoustic issues. The original scheme provided for L-shaped apartment layout, which was a better outcome in resolving this visual/acoustic issue. The Panel recommends that the proposal reverts back to original apartment layout of the corner apartments.*
- *The proposed single lift for the left flank building and single lift for the right flank building is not supported by the Panel. The Applicant is to consider the option of connecting the corridors to link the 2 wings of the building on every floor. This is to ensure that if 1 lift breaks down, there is an option for residents to utilise the other lift. The Applicant responded by stating that connecting the corridors suggested by the Panel would affect the percentage of the apartments receiving the required cross-ventilation. The Panel indicated that the introduction of natural ventilation from high-light windows in apartments across the corridors would resolve the cross-flow ventilation issue. Alternatively, the Applicant should consider changing the scheme to provide a minimum of 1 connecting corridor linking the 2 wings of the building at the mid-point of building to allow for*

equitable access for all residents. If this approach is taken, it is still recommended to provide natural ventilation across the corridors on all floors.

- *The Panel indicated that cross-ventilation across the corridor is acceptable contingent on compliance with the BCA and openings onto the corridor from the apartments only relate to kitchens and service areas where visual and acoustic privacy is not a significant issue. The Panel does not accept having living rooms or bedrooms opening directly onto the corridor.*
- *Re-design the two front units adjacent to the driveway to improve their amenity (Units G004 and G005) so they do not open directly onto the under-croft driveway. The windows to these ground floor bedroom apartment to be re-positioned and the apartments re-planned.*
- *Cross-sectional drawings of the driveway is required to show the relationship between the driveway and the ground floor apartments. Incorporating a cross-section will also determine if there is an opportunity to increase the open space over driveway.*
- *The architectural expression of the building is acceptable to the Panel.*

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 summary, amended plans were provided to Council which demonstrates all the changes as recommended by the DEP, as follows:

- The internal facing corner apartments were amended and reverted back to the L-shaped apartment layout.
- A midpoint connection of the two wings of the building was introduced on level 5.
- The two front units adjacent to the driveway have been amended so they do not open directly on to the under croft of the driveway.
- A cross-sectional drawing was provided that demonstrated an appropriate relationship between the driveway and the ground floor apartments.

Having regard to the above it is considered the proposed development exhibits design excellence and is worthy of support in this instance, despite the non-compliant building separation.

3.3 Planning Panel Briefing

A briefing meeting was held on the 13 April 2017. The main outcomes of the briefing meeting with the Panel are summarised below:

- Site Isolation – (Land and Housing Corporation discussion).

Comment: As demonstrated previously in this report, it is considered that reasonable attempts have been made to consolidate No.7 Goulburn Street.

- Joint venture development proposition.

Comment: As demonstrated previously in this report, the LAHC have advised in their correspondence that their internal policies prohibits direct selling of properties, as such a joint venture development application was considered unachievable.

- Value implications of isolated site.

Comment: As indicated previously, despite the site isolation the applicants have demonstrated a suitable building envelope may be constructed on the adjoining site, in accordance with the highest and best use permitted within the R4 zoning.

- ADG non-compliance – balconies width (amended plans).

Comment: Amended plans have been submitted that demonstrate all balconies comply with the minimum widths.

- Waste management – access.

Comment: Council has confirmed that Council waste vehicles have sufficient room to access the basement to collect waste.

- SEPP 55 – Remediation Action Plan (RAP).

Comment: The applicants have provided appropriate documentation to demonstrate that the site is suitable pursuant to SEPP 55. Details are provided further in this report. A satisfactory Asbestos Management Plan (AMP) has been submitted, a RAP is not required as confirmed by Council's Environmental Health Department.

4. DETAILS OF THE PROPOSAL

The application proposes the demolition of existing buildings and the construction of a 9 storey residential flat buildings containing 101 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 101 residential units with the following mix:
 - 15 x 1 Bed Units (15%)
 - 75 x 2 Bed Units (74%)
 - 11 x 3 Bed Units (11%)
- Gross floor area of 8,011m²

Vehicular and Pedestrian Access

- Vehicular access is provided from Goulburn Street.
- Pedestrian access is provided from Goulburn Street.

Parking Provisions

- The development provides for a total of 114 car parking spaces comprising of:
 - 94 spaces – allocated to residential spaces
 - 11 spaces – allocated as accessible spaces;
 - 20 spaces – allocated as to visitors; and
 - 1 space - designated as a service bay/car wash bay.

- Bicycle parking to accommodate 26 bicycles, 7 of which are located on the Ground Floor near the building entry; and
- A large space is designated for a waste collection truck in level 1 of the basement.

Site Servicing

- A garbage, recycling storage area, bulky waste area and a separate garbage chute room are located on the upper basement level 1. A loading collection bay is positioned adjacent to the garbage room, where by the collection vehicles will be able to access, manoeuvre, and park within the basement on collection days.
- The Owners Corporation will be responsible for all issues associated with the on-going management and maintenance of the Garbage Chute Systems and all activities associated with it.
- Residents will place their recycling material into a 240 litre mobile recycling bin located in the Waste Room in the Core of that level of the building. A representative of the Owners Corporation will be responsible for transporting the 240 litre mobile bin from the Waste Room on each floor of both Northern and Southern Cores into the Garbage Room, located in the western end of Basement 1 of the complex.
- All waste handing activities (including the transfer of recycling bins) will be undertaken by representatives of the Owners Corporation.

Stormwater Drainage

- Stormwater surface runoff will be conveyed to a 66.12m³ onsite detention tank located within Southern side setback. Stormwater will be discharge to the existing stormwater system within Goulburn Street, via the construction of a new stormwater inlet pit.
- Drainage from within the basement will be conveyed via a submersible pump-out system.

Ancillary Works

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

Perspective drawings of the proposed development are provided below in Figures 11.



Figure 11- Photomontage of the development, view from Northern side of Goulburn Street
Source: Urban Link Architecture

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

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

Draft Environmental Planning Instruments

- LLEP 2008 Draft Amendment No. 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.

5.2 Zoning

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

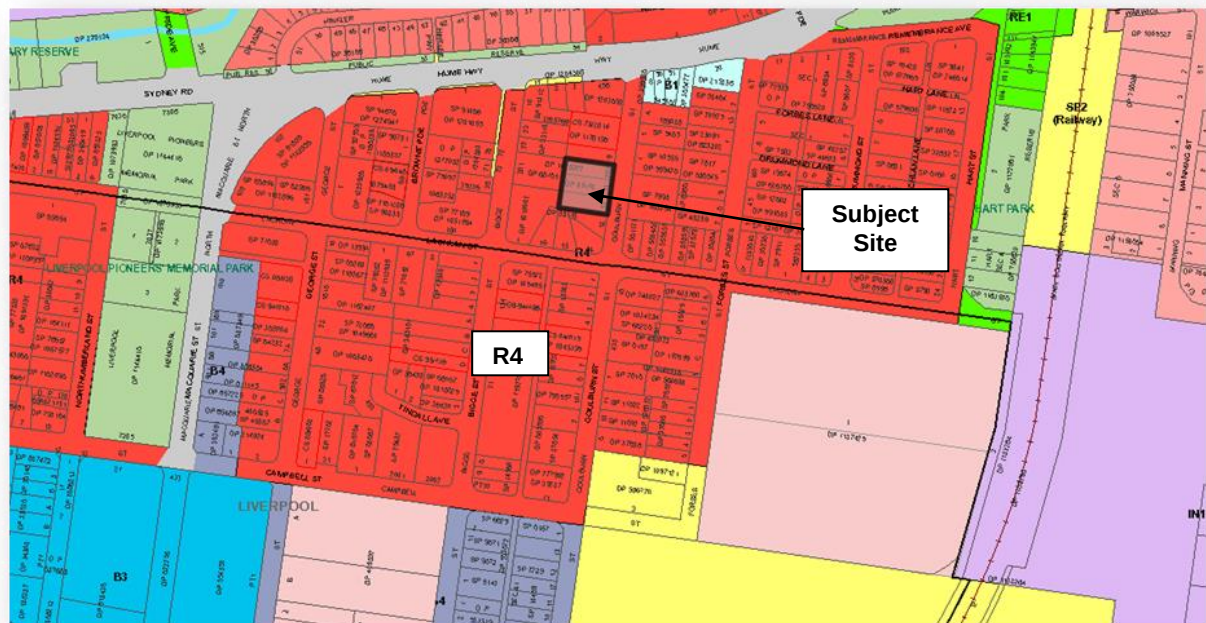


Figure 12- Extract of LLEP 2008 zoning Map – R4 High Density Residential

Source: Geocortex

5.3 Permissibility

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

6. ASSESSMENT

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

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

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

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

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 Northern 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 101 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 provides a development that is appropriate within the local context and is consistent with the bulk and scale of development envisaged within the surrounding locality.

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 and scale of the proposed development is consistent with the controls set out in the LDCP 2008. It is situated within the site, setback off Goulburn Street. The height of the building is in accordance with that identified in the LLEP 2008. The building height is to be a maximum 9 storeys plus plant room / roof structure. Building mass fits within the desired streetscape character and does not overpower the surrounding buildings.
Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.	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 central communal open space which has a direct vista to Goulburn Street. The central two storey high building entrance for pedestrians and vehicles is easily identifiable from the street and is directly linked to the lift area and the communal open space.
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 application proposes a density FSR 2.98:1 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 (9 levels) is considered to be suitable within this area as it is within close proximity to the medical hub of Liverpool, namely Liverpool public and private hospitals, and health rooms. It is also within 400m to business areas and is within 800m to Liverpool train station and 570m to Warwick Farm 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 62% of apartments are cross-ventilated; - Minimum 75% 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	
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 Goulburn Street.
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 are 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 and preserves the green network.
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 is available cantering the site creating a courtyard feel with views to Goulburn Street. Large private terraces are available to the Ground Floor Apartments 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, 11 units in total are designed to the Universal Design standards. These units 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 recreational opportunities. Raised garden beds and landscape furniture; grassed, paved and planted surfaces; shaded, sunny and feature-lit areas will be provided. Views and access area available from Goulburn Street.
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 adequate levels of casual surveillance from within the building and from the street. The proposed building and landscaping design do not create any concealment areas.
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. The lifts will be restricted to resident use only by coded key cards. Access from the side boundaries are 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: - 15% one bedroom apartments - 74% two bedroom apartments - 11% three bedroom apartments 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 social mix.	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 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. Ten percent of the development (11 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 floor, easily accessed from the street and from the lift. A variety of landscape furniture is provided and the general feel of the area is celebrated with a range of landscaped planters. Allowing groups of people to interact, socialise and having an enjoyable 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 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, 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 reduce 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	Complies The building depth varies from 12.213m to 17m.
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 <u>Northern Boundary</u> There are no buildings to the north of the development site that are greater than 2 storeys. As such, to achieve the required building separation it is considered appropriate that the required building separation be equitably distributed across boundaries. For the first four storeys the proposal provides a minimum a minimum 6m to the northern boundary. <u>Southern Boundary</u> There are no buildings to the north of the development site that are greater than 2 storeys. As such, to achieve the required building separation it is considered appropriate that the required building separation be equitably distributed across boundaries. For the first four storeys the proposal provides a minimum 9m setback to the southern boundary. <u>Western Boundary</u> Northern Wing For the first four storeys the northern wing of the building requires a minimum 9m building separation to the adjoining building to the west. A 12m building separation is provided. Southern Wing There are no buildings of similar height to the proposed development adjoining the southern wing of the building to the west. The proposal is required to provide a 4.5m building setback to the western boundary to the non-habitable rooms of the western elevation. A 6m setback is provided. <u>Between Wings</u> A 12m building separation is provided between the northern wing of the building and the southern wing of the building which complies.

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 <u>Northern Boundary</u> There are no buildings to the north of the development site that are greater than 2 storeys. As such, to achieve the required building separation it is considered appropriate that the required building separation be equitably distributed across boundaries. From the 5th to the 8th storey the proposal provides a setback from habitable rooms/balconies to the northern boundary ranging from 6m to 7.118m instead of the required 9m. This represents a non-compliance ranging from 1.88m-3m. The merits of the non-compliance are discussed below. <u>Southern Boundary</u> There are no buildings to the south of the development site that are greater than 2 storeys. As such, to achieve the required building separation it is considered appropriate that the required building separation be equitably distributed across boundaries. From the 5th to the 8th storey the proposal provides a minimum 9m setback to the southern boundary which complies. <u>Western Boundary</u> <u>Northern Wing</u> From the 5th to the 8th storey proposal requires a minimum 18m building separation to habitable rooms/balconies to the adjoining building to the west. A 12m building separation is provided, which does not comply. It is important to note that the adjoining building to the west does not exceed a height of 5 storeys. As such the extent of the non-compliance is limited to the 5th storey of the proposed building <u>Southern Wing</u> There are no buildings of similar height to the proposed development adjoining the southern wing of the building to the west. The proposal is required to provide a 6m building setback to the western boundary to the non-habitable rooms of the western elevation of the southern wing. A 6m setback is provided, which complies. <u>Between Wings</u> A 12m building separation is provided between the northern wing of the building and the southern wing of the building from habitable to non-habitable rooms which complies.
Nine storeys and above (over 25m): • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms	Partial non-compliance <u>Northern Boundary</u> There are no buildings to the north of the development site that are greater than 2 storeys. As such, to achieve the required building separation it is considered appropriate that the required building separation be equitably distributed across boundaries. On the 9th storey the proposal provides a 7.118m setback

	to the northern boundary instead of the 12m from habitable room/balconies which does not comply. The merits of the non-compliance are discussed below <u>Southern Boundary</u> There are no buildings to the south of the development site that are greater than 2 storeys. As such, to achieve the required building separation it is considered appropriate that the required building separation be equitably distributed across boundaries. On the 9th storey the proposal provides a minimum 9m setback to the southern boundary which complies for the elements of the southern elevation containing non-habitable rooms. On the 9th storey elements of the southern elevation containing habitable room windows provide a 9m boundary setback instead of the 12m required which does not comply. The merits of the non-compliance are discussed below. <u>Western Boundary</u> Northern Wing There are no buildings to the west of the development site that are greater than 5 storeys. As such, to achieve the required building separation it is considered appropriate that the required building separation be equitably distributed across boundaries. On the 9th storey of the building a 9m boundary setback is required to the habitable rooms along the western elevation of the northern wing of the building. A 6m setback is provided, which does not comply. The merits of the non-compliance are discussed below. Southern Wing There are no buildings to the west of the development site that are greater than 5 storeys. As such, to achieve the required building separation it is considered appropriate that the required building separation be equitably distributed across boundaries. On the 9th storey of the building a 6m boundary setback is required to the non-habitable rooms along the western elevation of the southern wing of the building. A 6m setback is provided, which complies. <u>Between Wings</u> Between the northern and southern wing of the building on the 9th storey a separation of 18m is required. A building separation of 12m is provided, which does not comply. The merits of the non-compliance are discussed below.
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 and transport 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 Building type responds to streetscape, it has been designed in a 'U' shape to ensure maximum benefit of solar access is received onto the subject site and the adjoining properties. The proposal demonstrates minimal overshadowing during mid-winter to adjoining neighbouring properties.													
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														
Communal open space has a minimum area equal to 25% of the site (see figure 3D.3) Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter) Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting Communal open space is designed to maximise safety Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	Complies Total outdoor communal open space provided on the ground floor is approximately 836m², or 31%. The shadow diagrams demonstrate at least 2 hours of solar access received by at least 50% of the site. The communal area is essentially located at the rear and the centre of the site, where access from the side and rear boundaries is restricted by fencing and secured gates. The communal open space is responsive to the existing pattern and uses of the neighbourhood.													
3E Deep soil zones														
Deep soil zones are to meet the following minimum requirements: <table border="1"> <thead> <tr> <th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>Less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m² to 1500m²</td><td>3m</td></tr> <tr> <td>Greater than 1500m²</td><td>6m</td></tr> <tr> <td>Greater than 1500m² with significant tree cover</td><td>6m</td></tr> </tbody> </table>	Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	Less than 650m ²	-	7%	650m ² to 1500m ²	3m	Greater than 1500m ²	6m	Greater than 1500m ² with significant tree cover	6m	Complies Deep soil required: 188m² Deep soil zone proposed: 422m² or 15.7% Min. width 6m.	
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)												
Less than 650m ²	-	7%												
650m ² to 1500m ²	3m													
Greater than 1500m ²	6m													
Greater than 1500m ² with significant tree cover	6m													

3F Visual Privacy

Minimum require separation distances from buildings to the side and rear boundaries are as follows:

Building Height	Habitable Rooms and Balconies	Non Habitable Rooms
Up to 12m (4 storeys)	6m	3m

Complies

For the first 4 storeys a minimum building setback of 6m is provided to the north and western boundaries. A minimum 9m setback is provided to the southern boundary.

Minimum require separation distances from buildings to the side and rear boundaries are as follows:

Building Height	Habitable Rooms and Balconies	Non Habitable Rooms
Up to 25m (5-8 storeys)	9m	4.5m

Partial non-compliance

Southern Boundary

From the 5th to the 8th storey the proposal provides a minimum 9m setback to the southern boundary which complies.

Northern Boundary

From the 5th to the 8th storey the proposal provides a setback from habitable rooms/balconies to the northern boundary ranging from 6m to 7.118m instead of the required 9m. This represents a non-compliance ranging from 1.88m-3m. The merits of the non-compliance are discussed below.

Western Boundary

Northern wing of building

On the northern wing of the building along the western elevation a 4.5m setback is required for the portion of the western elevation containing non-habitable rooms. A setback of 6m is provided.

On the northern wing of the building along the western elevation a 9m setback is required for the portion of the western elevation of the northern wing containing habitable rooms. A setback of 6m is provided, which does not comply

Southern Wing of building

On the southern wing of the building along the western elevation a 4.5m setback is required for the portion of the western elevation containing non-habitable rooms. A setback of 6m is provided, which complies.

No habitable room windows are proposed on the western elevation of the southern wing.

Minimum require separation distances from buildings to the side and rear boundaries are as follows:

Building Height	Habitable Rooms and Balconies	Non Habitable Rooms
Over 25m (9+)	12m	6m

Partial non-compliance

Southern Boundary

On the 9th storey the proposal provides a minimum 9m setback to the southern boundary which complies for the elements of the southern elevation containing non-habitable rooms.

On the 9th storey elements of the southern elevation containing habitable room windows provide a 9m boundary setback instead of the 12m required which

storeys)			does not comply. The merits of the non-compliance are discussed below. <u>Northern Boundary</u> On the 9th storey the proposal provides a 7.118m setback to the northern boundary instead of the 12m from habitable room/balconies which does not comply. The merits of the non-compliance are discussed below <u>Western Boundary</u> Northern wing of building On the northern wing of the building along the western elevation a 6m setback is required for the portion of the western elevation containing non-habitable rooms. A setback of 6m is provided. On the northern wing of the building along the western elevation a 12m setback is required for the portion of the western elevation of the northern wing containing habitable rooms. A setback of 6m is provided, which does not comply. It is important to note that the building directly to the west of this portion of the building does not exceed 5 storeys in height. Southern Wing of building On the southern wing of the building along the western elevation a 6m setback is required for the portion of the western elevation containing non-habitable rooms. A setback of 6m is provided, which complies. No habitable room windows are proposed on the western elevation of the southern wing.
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 Two safe and secure building entries are available from the street. Entries are landscaped, the centre pedestrian entry includes a ramp for wheel chair access. The front façade features an awning with the street number of the facade. The building entries are articulated with two planters on both side, and a paved path leading to the entry gate.	
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 the DEP recommendation by relocating it to the centre of the site.	

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

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 subject site is located 570m to Warwick Farm Train Station.

Carpark requirements set out in the Guide to Traffic Generating Developments are complied with, as follows:

Dwelling Type	Required Parking	Number of Dwellings	Total Required Parking
Studio	0	0	0
1 Bed	0.6	15	9
2 Bed	0.9	75	67.5
3+ Bed	1.4	11	15.4
Total			91.9
Visitor	0.2	101	20.2
Total Required Parking			112.1
Total Parking Provided			114

Proposed parking provision is as follows:

Parking Provisions

- The development provides for a total of 114 car parking spaces comprising of:
 - 94 spaces – allocated to residential spaces.
 - 11 spaces of the residential spaces are allocated as accessible spaces.
 - 20 spaces – allocated as to visitors; and
 - 1 space - designated as a service bay/car wash bay.
- Bicycle parking to accommodate 26 bicycles; and
- A large space is designated for a waste collection truck.

All other driveway and car park design criteria are satisfactory according to Council's traffic engineer's comments.

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. A total of 76 apartments of the 101 apartment proposed received a min of 2 hours solar access, this equates to 75% of apartments receiving 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	Complies 8% of units or 8 units 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 installing mechanical vents and have a door that can be installed with a security screen door if left open.				
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 The proposal achieves cross ventilation to 63 of the total number of units. This equates to 62%.				
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 heights are: <table border="1"> <tr> <td colspan="2">Minimum ceiling height</td></tr> <tr> <td>Habitable rooms</td><td>2.7m</td></tr> </table>	Minimum ceiling height		Habitable rooms	2.7m	Complies Proposed ceiling height to all apartments: 2.85m
Minimum ceiling height					
Habitable rooms	2.7m				

Non-habitable 2.4m														
For 2 storey apartments 2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area														
Attic spaces 1.8m at edge of room with a 30 degree minimum ceiling slope														
If located in mixed use areas 3.3m from ground and first floor to promote future flexibility of use														
Ceiling height increases the sense of space in apartments and provides for well proportioned rooms														
Ceiling heights contribute to the flexibility of building use over the life of the building														
Apartment Size and Layout														
Apartments are required to have the following minimum internal areas: <table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr><tr><td></td><td></td></tr></table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each		Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²			Complies The one-bedroom apartment are all 50m² or greater. The two-bedroom apartments are all 70m² or greater. The three-bedroom apartments are all 90m² or greater. Those units with additional bathrooms have an increase of 5m² in floor area.
Apartment Type	Minimum Internal Area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms		Complies All habitable rooms have large windows.												
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		Complies												

In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Complies All kitchens are within 8m of a window.															
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Complies															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Complies All bedrooms have a minimum dimension of 3m (excluding wardrobe space)															
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	Complies All widths of living areas comply with the minimum widths.															
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Complies															
4E Private Open Space and Balconies																
<table><tr><td>Dwelling Type</td><td>Minimum Area</td><td>Minimum Depth</td></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m²</td><td>2.4</td></tr></table> All apartments are required to have primary balconies as follows: The minimum balcony depth to be counted as contributing to the balcony area is 1m	Dwelling Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3 bedroom	12m ²	2.4	Complies All balcony sizes and widths comply with the minimum requirements.
Dwelling Type	Minimum Area	Minimum Depth														
Studio	4m ²	-														
1 bedroom	8m ²	2m														
2 bedroom	10m ²	2m														
3 bedroom	12m ²	2.4														
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m	Complies All POS for ground floor units are a minimum 15m ² and have a minimum dimension of 3m.															
Primary private open space and balconies are appropriately located to enhance liveability for residents	Complies All balconies are visually appealing, functional, differentiated from each other and are fenced with landscaped planter.															
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Complies The POS and Balcony designs contribute to the overall architectural form and detail of the building.															

Private open space and balcony design maximises safety.	Complies All balconies and POS areas are fenced. A condition of consent is imposed to ensure that a minimum of 1.5m privacy is achieved, whether view structural fencing or high hedging in planters.										
4F Common Circulation and Spaces											
The maximum number of apartments off a circulation core on a single level is eight	Complies Maximum 6 units are accessed from each corridor.										
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	N/A - 9 levels only										
Common circulation spaces promote safety and provide for social interaction between residents	Complies										
4G Storage											
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>4m³</td></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3 bedroom</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment.	Dwelling Type	Storage Size Volume	Studio	4m³	1 bedroom	6m³	2 bedroom	8m³	3 bedroom	10m³	Complies All apartments have a basement storage areas ranging from 3.3 to 8.4m³. At least 50% of the storage areas are located within the apartments.
Dwelling Type	Storage Size Volume										
Studio	4m³										
1 bedroom	6m³										
2 bedroom	8m³										
3 bedroom	10m³										
4H Acoustic Privacy											
Noise transfer is minimised through the siting of buildings and building layout	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.										
Noise impacts are mitigated within apartments through layout and acoustic treatments											
4J Noise and Pollution											
Objective 4J-1 In noisy environments minimise the impacts of external noise and pollution through the careful siting and layout of buildings.	Complies As above										
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design.											

4K Apartment Mix																																																																
Objective 4K-1 A range of apartment types and sizes is provided.	Complies Development proposes the following unit mix: <table><tr><td></td><td>1 Bed</td><td>2 Bed</td><td>3 Bed</td><td>Total no of units</td></tr><tr><td>Grd</td><td>0</td><td>7</td><td>2</td><td>9</td></tr><tr><td>L1</td><td>2</td><td>6</td><td>3</td><td>11</td></tr><tr><td>L2</td><td>2</td><td>9</td><td>1</td><td>12</td></tr><tr><td>L3</td><td>2</td><td>9</td><td>1</td><td>12</td></tr><tr><td>L4</td><td>2</td><td>9</td><td>1</td><td>12</td></tr><tr><td>L5</td><td>3</td><td>9</td><td>0</td><td>12</td></tr><tr><td>L6</td><td>2</td><td>9</td><td>1</td><td>12</td></tr><tr><td>L7</td><td>2</td><td>9</td><td>1</td><td>12</td></tr><tr><td>L8</td><td>0</td><td>8</td><td>1</td><td>12</td></tr><tr><td>Total</td><td>15</td><td>75</td><td>11</td><td>101</td></tr><tr><td>%</td><td>15%</td><td>74%</td><td>11%</td><td></td></tr></table> An acceptable apartment mix has been provided in this proposal.					1 Bed	2 Bed	3 Bed	Total no of units	Grd	0	7	2	9	L1	2	6	3	11	L2	2	9	1	12	L3	2	9	1	12	L4	2	9	1	12	L5	3	9	0	12	L6	2	9	1	12	L7	2	9	1	12	L8	0	8	1	12	Total	15	75	11	101	%	15%	74%	11%	
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Objective 4K-2 The apartment mix is distributed to suitable locations within the building.																																																																
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4L Ground Floor Apartments																																																																
Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located.	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. Two entrances are available in addition to the main entry which includes a ramp for aces for people with a disability.																																																															
Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents.																																																																
4M Facades																																																																
Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area.	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.																																																															
Objective 4M-2 Building functions are expressed by the façade, e.g. express building entries, and important corners.																																																																
4N Roof Design																																																																
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street.	Complies The roof is not the dominant feature, a parapet wall style is used which minimises expressions of roof forms. The roof incorporates sky lights to provide additional lighting within the development.																																																															
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 the entry of the building, also allowing wheel chair access to Ground Floor apartments.
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 60% 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 north western of the building, easily accessible via lift and lobby, and within a short distance to Council's footpath for collection.

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

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

proposed building above the 5th storey. A breakdown of the non-compliances and the merits of the variation are discussed below.

1. 5th to 8th Storey

a) Northern Boundary

Required: Pursuant to section 2F – Building Separation, from the 5th to the 8th storey between habitable rooms/balconies for buildings of a similar height on adjoining sites or between buildings on the same site is 18m. Where there are no buildings of the same height on adjoining sites then it is considered appropriate that the required building separation be equitably distributed across boundaries, thus requiring a 9m setback to the northern boundary in this instance.

Similarly to section 2F above, section 3F - Visual Privacy requires a setback to the boundary from habitable rooms/balconies of 9m.

Proposed: From the 5th to the 8th storey the proposal provides a setback from habitable rooms/balconies to the northern boundary ranging from 6m to 7.118m. This represents a non-compliance ranging from 1.88m-3m (21%-33%)

The portions of the building where the non-compliance is generated is detailed in the figure below.

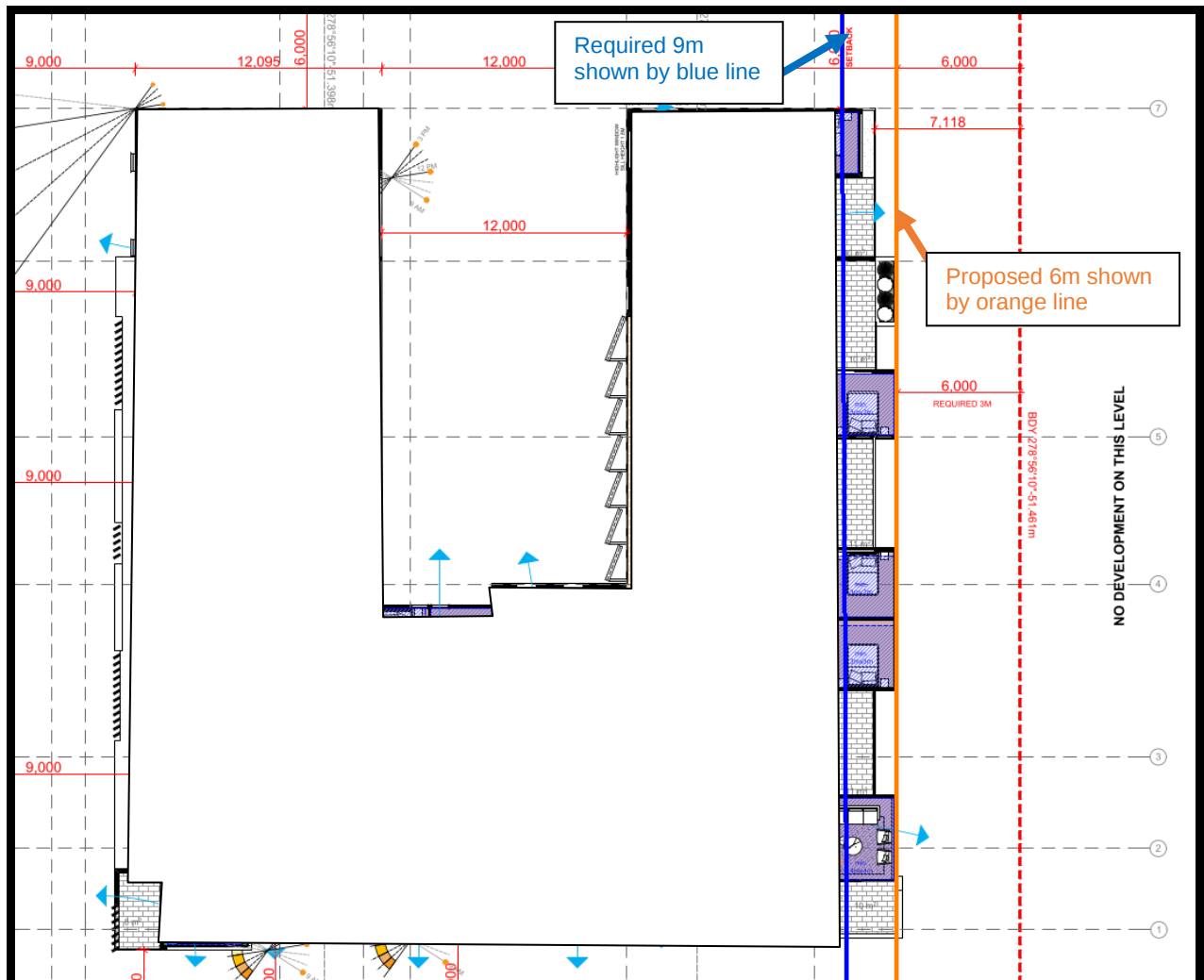


Figure 13: Building Separation Northern elevation

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

- 1) As discussed previously in this report the adjoining site to the north (7 Goulburn Street) will be isolated as a consequence of this proposal. It has been demonstrated by the applicant to the satisfaction of Council's Design Excellence Panel, that if a residential flat building were to be constructed on this site it would not exceed a height of four storeys given the minimum setback requirements stipulated by the ADG and the LLEP 2008. At a minimum if a residential flat building were to be constructed on the adjoining site a setback 4.5m to the boundaries would be required. Therefore given the width of the site being 15.850m a functional building envelope 5 storeys and above would not be practicable.

Therefore having regard to the limited development potential of the adjoining site, the non-compliance of the building separation along the northern boundary will not have a detrimental impact in terms of privacy and amenity on the adjoining site to the north.

- 2) The proposal has incorporated the habitable rooms/balconies along the northern elevation to take maximum advantage of the northerly aspect and benefit from the available solar access. Relocating the habitable rooms to the southern elevation would result in an inferior design outcome and reduce the amenity of the proposed building.
- 3) The proposed 'U' shape building envelope was considered the most appropriate building envelope for the site given the characteristics of the site and its location. The 'U' shape building envelope was also considered the most appropriate design solution for this site by Council's DEP.
- 4) Despite the non-compliance the proposed development remains compliant with the applicable height and FSR for the site under the LLEP 2008. As such it can be concluded that the non-compliant building separation was for the achievement of a better design outcome and not for the increase in development yield.
- 5) The proposed development provided a greater setback along the southern elevation and moved further north to enable improved solar access to the adjoining site to the south.
- 6) The non-compliant building separation will not detract from the provision of adequate solar access to the communal open space of the development.
- 7) Where practicable the windows for bedrooms along the northern elevation have been relocated to be west or east facing, therefore reducing potential privacy concerns on adjoining properties.

b) Western Boundary

Required: Pursuant to section 2F – Building Separation, from the 5th to the 8th storey between habitable rooms/balconies for buildings of a similar height on adjoining sites or between buildings on the same site is 18m. Where there are no buildings of the same height on adjoining sites then it is considered appropriate that the required building separation be equitably distributed across boundaries, thus requiring a 9m setback to the northern boundary in this instance.

Similarly to section 2F above, section 3F - Visual Privacy requires a setback to the boundary from habitable rooms/balconies of 9m.

Proposed: At the 5th storey the proposal provides a setback from the habitable bedroom of unit B.4001 of the northern wing of the building to the adjoining building to the west of 12m instead of 18m. This represents a non-compliance of 6m or 33%.

There are no buildings that adjoin the site to the west that exceed a height of 5 storeys. As such from the 6th to the 8th storey a setback of 9m to the western boundary for the northern wing of the building should be incorporated. However a setback of 6m is proposed instead of 9m representing a variation of 3m or 33%.

The section of the building where the non-compliance is generated is detailed in the figure below.

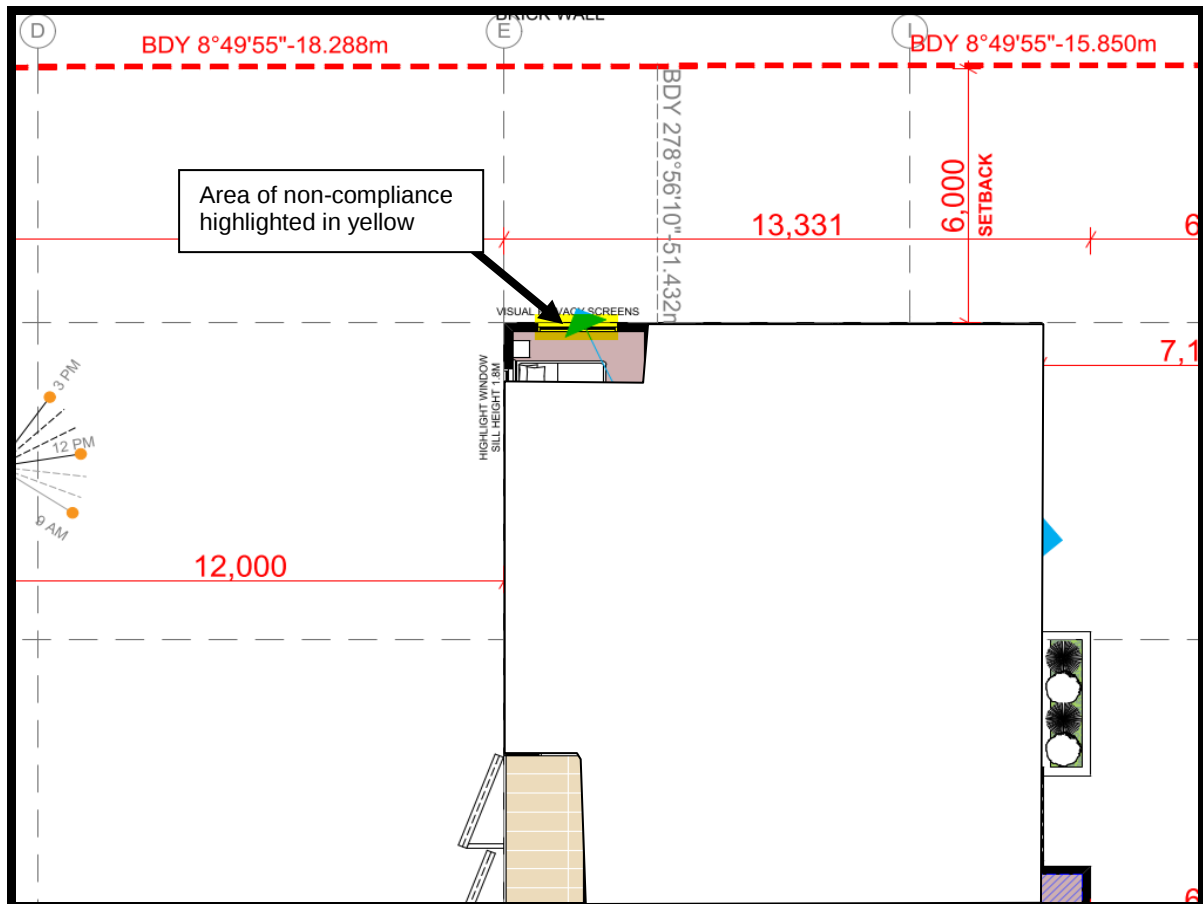


Figure 14: Building Separation Southern elevation

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

- 1) The proposed non-compliance is isolated to a single bedroom window along the western elevation, which is considered minor in this instance.
- 2) The proposal has incorporated privacy screens to all relevant bedroom windows along the western elevation to alleviate any potential privacy impacts on the adjoining property to the west.
- 3) The adjoining building to the west is relatively new and is unlikely to be redeveloped in the near future. As such given the building to the west does not exceed 5 storeys, it is considered that the potential privacy and overlooking impacts above the 5th storey will be virtually non-existent.

- 4) The bedrooms in question where the non-compliance is generated propose 2 windows, one of which faces west and another along the southern elevation of the northern wing of the building. To enforce strict compliance, the windows along the western elevation of the subject bedrooms can be removed, therefore only requiring a setback of 6m. However this approach is not considered necessary as the proposed development has incorporated appropriate privacy measures. The removal of the windows along the western elevation would also result in a reduction in solar access to the bedrooms in question, which is considered an inferior design outcome.

2. 9th Storey

a) Northern Boundary

Required: Pursuant to section 2F – Building Separation, above the 9th storey between habitable rooms/balconies for buildings of a similar height on adjoining sites or between buildings on the same site is 24m. Where there are no buildings of the same height on adjoining sites then it is considered appropriate that the required building separation be equitably distributed across boundaries, thus requiring a 12m setback to the northern boundary in this instance.

Similarly to section 2F above, section 3F - Visual Privacy requires a setback to the boundary from habitable rooms/balconies of 12m.

Proposed: At the 9th storey the proposal provides a setback from habitable rooms/balconies to the northern boundary of 7.118m instead of 12m. This represents a non-compliance of 4.88m or 40.6%.

The portions of the building where the non-compliance is generated is detailed in the figure below.

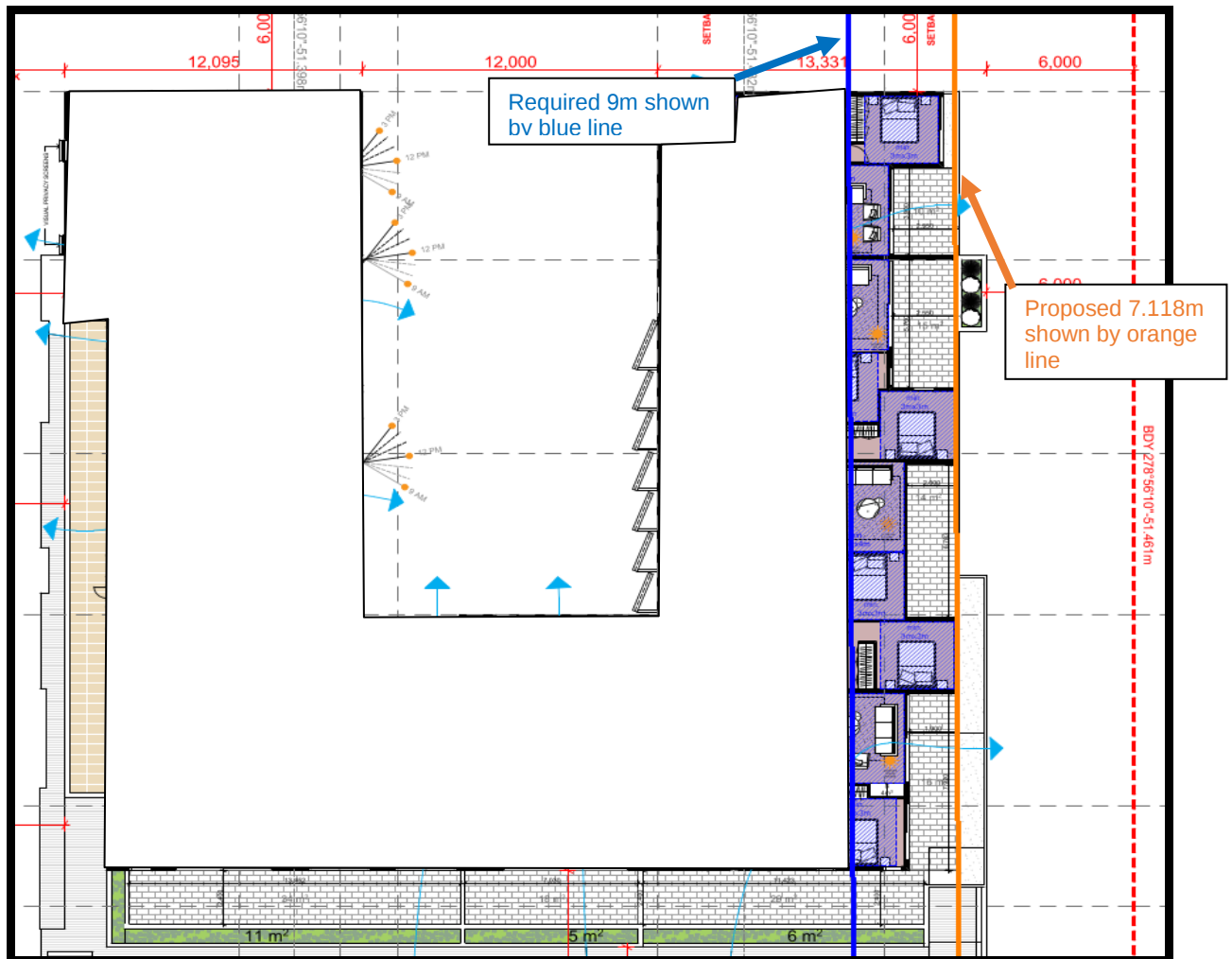


Figure 15: Building Separation Northern elevation

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

- 1) As discussed previously in this report the adjoining site to the north (7 Goulburn Street) will be isolated as a consequence of this proposal. It has been demonstrated by the applicant to the satisfaction of Council's Design Excellence Panel, that if a residential flat building were to be constructed on this site it would not exceed a height of four storeys given the minimum setback requirements stipulated by the ADG and the LLEP 2008. At a minimum if a residential flat building were to be constructed on the adjoining site a setback 6m to the boundaries would be required. Therefore given the width of the site being 15.850m a functional building envelope 5 storeys and above would not be practicable.

Therefore having regard to the limited development potential of the adjoining site, the non-compliance of the building separation along the northern boundary will not have a detrimental impact in terms of privacy and amenity on the adjoining site to the north.

- 2) The proposal has incorporated the habitable rooms/balconies along the northern elevation to take maximum advantage of the northerly aspect and benefit from the available solar access. Relocating the habitable rooms to the southern elevation would result in an inferior design outcome and reduce the amenity of the proposed building.

- 3) The proposed 'U' shape building envelope was considered the most appropriate building envelope for the site given the characteristics of the site and its location. The 'U' shape building envelope was also considered the most appropriate design solution for this site by Council's DEP.
- 4) Despite the non-compliance the proposed development remains compliant with the applicable height and FSR for the site under the LLEP 2008. As such it can be concluded that the non-compliant building separation was for the achievement of a better design outcome and not for the increase in development yield.
- 5) The non-compliant building separation will not detract from the provision of adequate solar access to the communal open space of the development.
- 6) Where practicable the windows for bedrooms along the northern elevation have been relocated to be west or east facing, therefore reducing potential privacy concerns on adjoining properties.

b) Southern Boundary

Required: Pursuant to section 2F – Building Separation, above the 9th storey between habitable rooms/balconies for buildings of a similar height on adjoining sites or between buildings on the same site is 24m. Where there are no buildings of the same height on adjoining sites then it is considered appropriate that the required building separation be equitably distributed across boundaries, thus requiring a 12m setback to the northern boundary in this instance.

Similarly to section 2F above, section 3F - Visual Privacy requires a setback to the boundary from habitable rooms/balconies of 12m.

Proposed: At the 9th storey the proposal provides a setback from habitable rooms/balconies to the southern boundary of 9m instead of 12m. This represents a non-compliance of 3m or 25%.

The portions of the building where the non-compliance is generated is detailed in the figure below.

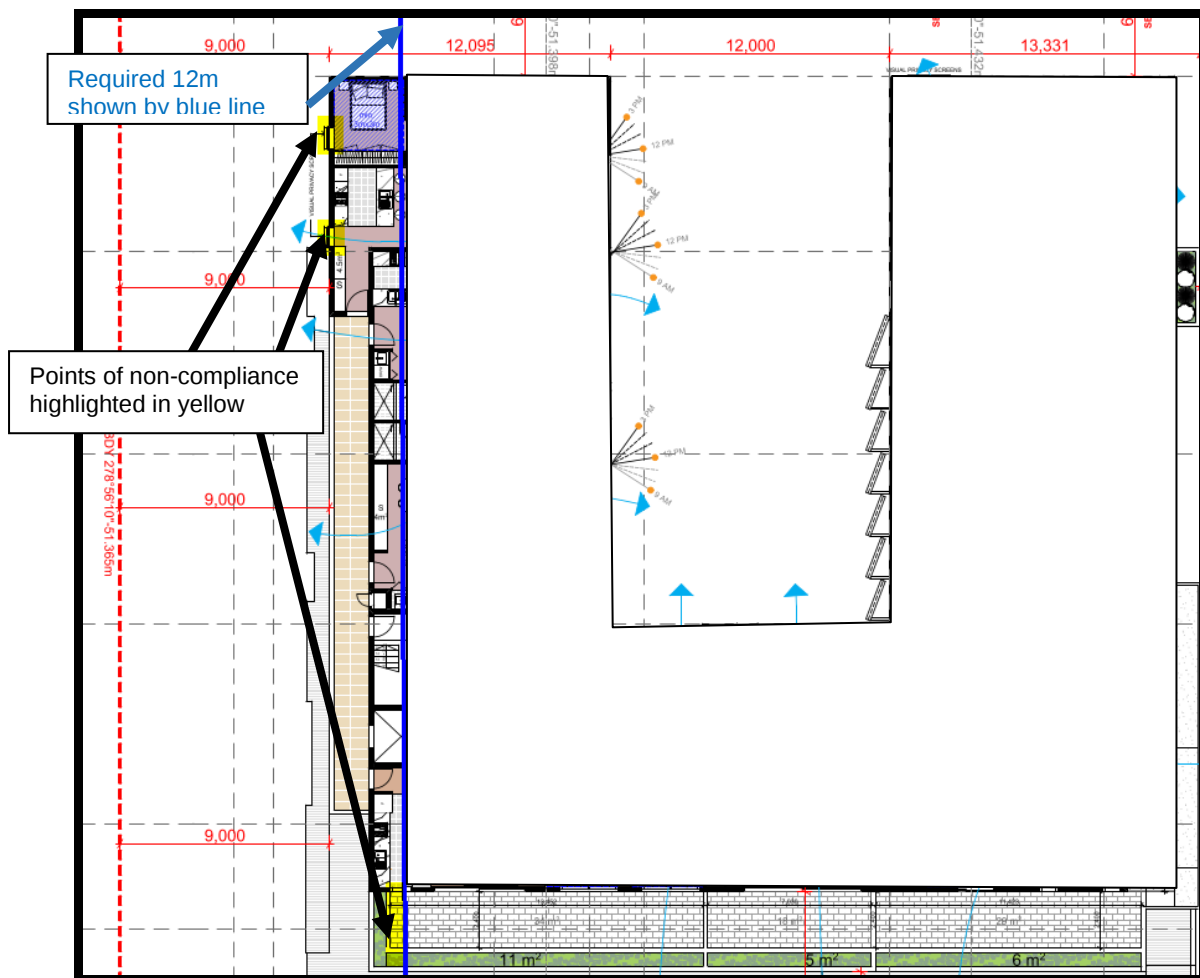


Figure 16: Building Separation Southern elevation

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

- 1) The extent of non-compliance is limited to 3 minor elements of the southern façade of the 9th storey, which is considered minimal.
- 2) The windows where the non-compliance is generated have been appropriately screened above the height of 1.5m to alleviate potential privacy impacts on the adjoining southern property.
- 3) To further alleviate potential privacy concerns on adjoining properties a condition of consent will be imposed requiring a 1.8m louvered privacy screen be provided along the southern elevation of the balcony of unit A.8004 where the encroachment occurs.
- 4) The non-compliance will not create a detrimental impact in terms of overshadowing on the adjoining properties.
- 5) It is important to note that the overwhelming majority of the southern façade at the 9th storey complies with the required building setback of 9m as the façade predominately consists of non-habitable rooms.
- 6) As indicated previously the proposal was also put before Council's DEP on multiple occasions who considered the building separation acceptable.

c) Western Boundary

Required: Pursuant to section 2F – Building Separation, from the 9th storey and above between habitable rooms/balconies for buildings of a similar height on adjoining sites or between buildings on the same site is 24m. Where there are no buildings of the same height on adjoining sites then it is considered appropriate that the required building separation be equitably distributed across boundaries, thus requiring a 12m setback to the western boundary in this instance.

Similarly to section 2F above, section 3F - Visual Privacy requires a setback to the boundary from habitable rooms/balconies of 12m.

Proposed: At the 9th storey the proposal provides a setback from the habitable bedroom of unit B.8001 of the northern wing of the building to the western boundary of 6m instead of 12m. This represents a non-compliance of 6m or 50%.

The section of the building where the non-compliance is generated is detailed in the figure below.

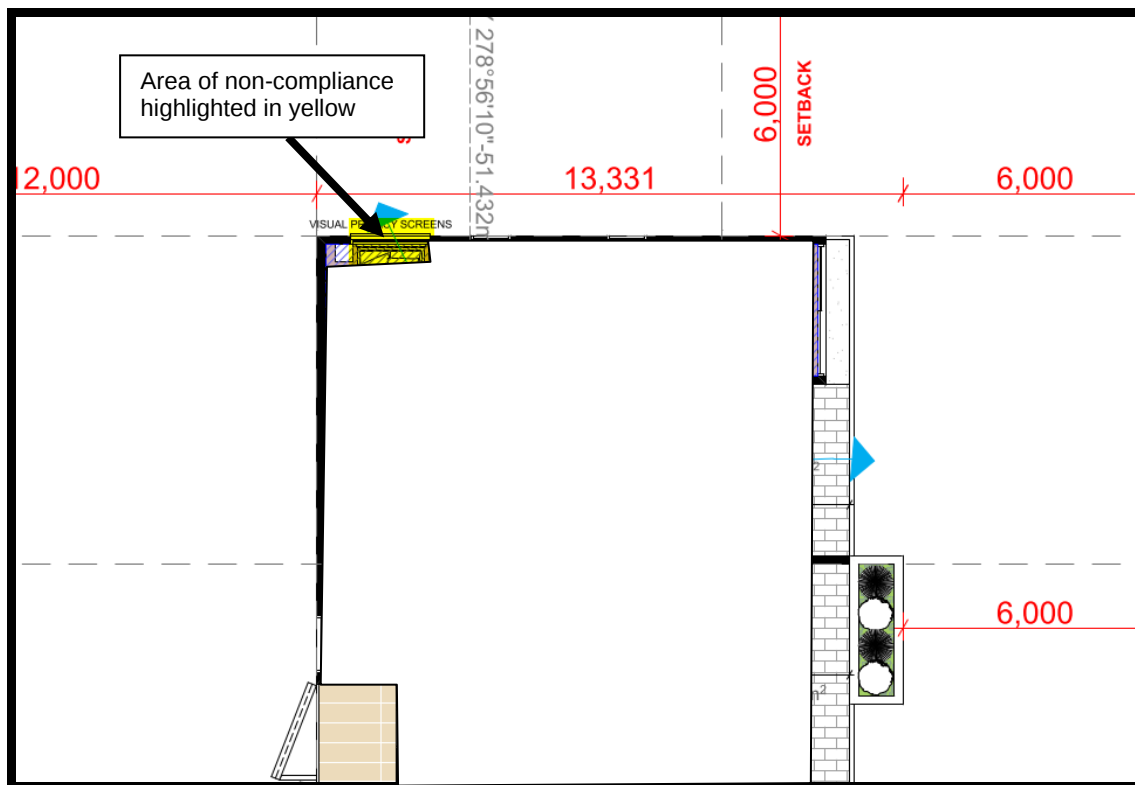


Figure 17: Building Separation Western elevation

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

- 1) The proposed non-compliance is isolated to a single bedroom window along the western elevation, which is considered minor in this instance.
- 2) The proposal has incorporated privacy screens to the bedroom window along the western elevation to alleviate any potential privacy impacts on the adjoining property to the west.

- 3) The adjoining building to the west is relatively new and is unlikely to be redeveloped in the near future. As such given the building to the west does not exceed 5 storeys, it is considered that the potential privacy and overlooking impacts above the 5th storey will be virtually non-existent.

d) Between Northern and Southern Wing

Required: Pursuant to section 2F – Building Separation, from the 9th storey and above between habitable rooms/balconies and non-habitable rooms between buildings on the same site is 18m.

Proposed: At the 9th storey the proposal provides a separation of 12m instead of 18m between the wings of the building. This represents a non-compliance of 6m or 33%.

The section of the building where the non-compliance is generated is detailed in the figure below.

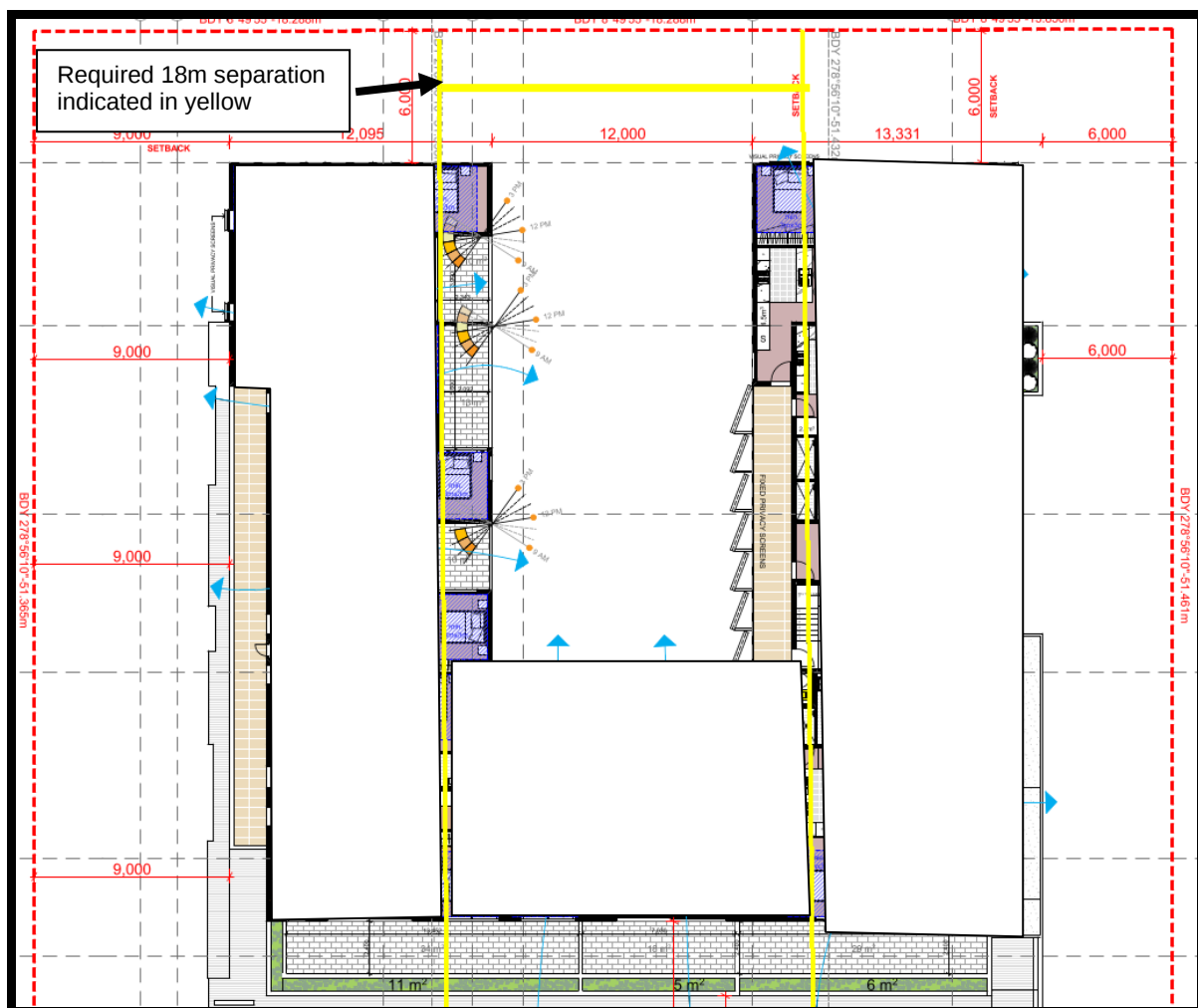


Figure 18: Building Separation between wings

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

- 1) The proposed building has ensured privacy between wings of the buildings are maintained by implementing appropriate privacy screening along the southern elevation of the northern wing of the building. At the 9th storey the design incorporates only one non-habitable window along the southern elevation of the northern wing, further alleviating any potential privacy impacts to the balconies opposite on the southern wing of the building.

- 2) Despite the non-compliance the proposal maintains the required amount of solar access and cross ventilation under the ADG.
- 3) The proposed 'U' shape building envelope was considered the most appropriate building envelope for the site given the characteristics of the site and its location. The 'U' shape building envelope was also considered the most appropriate design solution for this site by Council's DEP.
- 4) Despite the non-compliance the proposed development remains compliant with the applicable height and FSR for the site under the LLEP 2008. As such it can be concluded that the non-compliant building separation was for the achievement of a better design outcome and not for the increase in development yield.

Conclusion

Having regard to the variations to Section 2F and 3F, it is considered an appropriate design response has been presented to justify the non-compliance in the instances stated above and the variations are worthy of support in this instance.

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

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

The objectives of SEPP 55 are:

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

Table 3 – Clause 7 of SEPP 55

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
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(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	A Site investigation assessment (phase 1 & 2) has been submitted as part of this application and reviewed by Council's Environmental Health Staff.
(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 submitted assessment concludes the site is suitable for residential development. However, an Asbestos Management Plan is required to ensure safe removal of an asbestos sheet on the subject property.
(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.	An Asbestos Management Plan has been submitted for the method to be undertaken for the remediation of the site. Land is to be remediated if any contaminants are found during excavation works.

Aerial images from 2002 found on Council's Geocortex GIS system illustrates the presence of the existing dwellings (Figure 1) on No. 11 and 13 Goulburn Street, which suggests the sites have principally been used for residential purposes for at least the past 14 years. No. 9 has been vacant for the past 14 years.

The development 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.

A Phase 1 Site Investigation Report was prepared by Benviron Group which concludes that it is considered that the risks to human health and the environment associated with soil and groundwater contamination at the site are medium in the context of the proposed use of the site. The site can be made suitable for the proposed development and recommend that a Phase 2 Detailed Site Investigation be undertaken.

A Phase 2 Detailed Site Investigation report also prepared by Benviron Group concludes that an Asbestos Management Plan is required in order to remediate the site.

A satisfactory Asbestos Management Plan prepared by 'Trace Environmental' has been submitted and has been reviewed and supported by Council's Environmental Health officer.

In addition, a conditions of consent have been imposed requiring the development, including all civil works and demolition, to 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 BASIX SEPP. 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.

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 <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) 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 no flooding affectation.
(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 101 dwellings (a mix of, 1, 2, 3 bedroom units and a number of adaptable units).

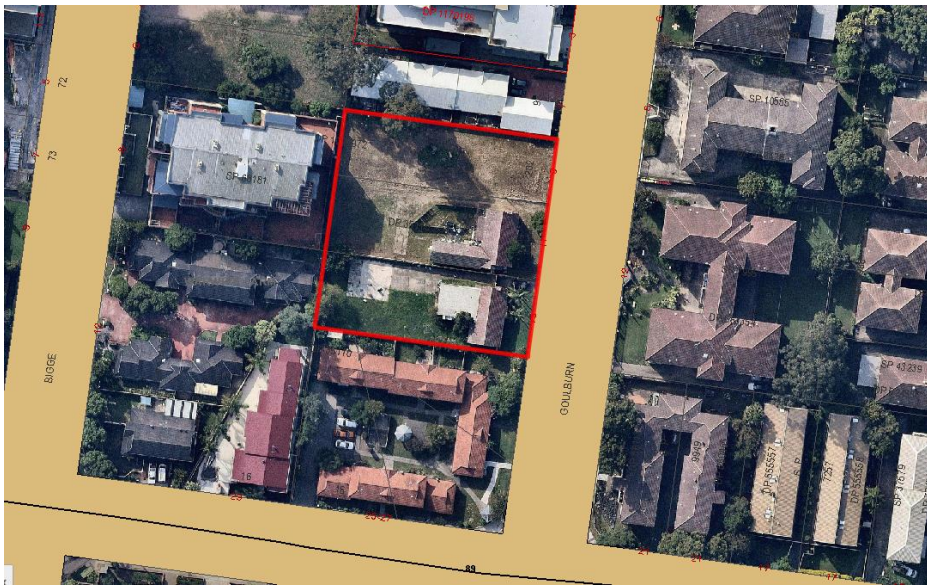
The site is located in an area identified for urban renewal and transformation, in close proximity to Liverpool and Warwick Railway Station, medical retail and commercial facilities.

(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 4 – LLEP 2008 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: 28.8m (including lift overrun. Height of top level: 28.8m
Clause 4.4 Floor Space Ratio	Maximum FSR of 3:1 which equates to a GFA of 10,806m ² .	Complies A FSR of 2.98:1 is proposed, which equates to a GFA of 8,011m ² .
4.6 Exceptions to Development Standards	None proposed.	N/A
5.6 Preservation of trees and vegetation	The Arboricultural assessment report submitted with the application identified 15 trees on site or within the vicinity of the building envelope. Of the 15 trees mapped (8) have been identified for retention and appropriate tree protection measures are in place to ensure trees are retained appropriately. Report was reviewed by Council's Landscape Officer and considered satisfactory. Appropriate replacement plantings have also been proposed for the trees that are to be removed.	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	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). See the extract below. The proposal is considered to be consistent with the objectives of this Clause.

	objects and Aboriginal places of heritage significance.	
	 Figure 19- Environmental Heritage Map (item No.89) 9-13 Goulburn Street, Warwick Farm Source: Geocortex	
	(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. A condition of consent is 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) <i>to preserve the existing street layout and reinforce the street character through consistent building alignments,</i> b) <i>to allow sunlight to reach buildings and areas of high pedestrian activity,</i> c) <i>to reduce the potential for</i>	Consistent with objectives a) The development features a 'U' residential flat buildings which is aligned with the street. b) The proposed development will allow sunlight to reach buildings and the pedestrian areas. c) The development will remove the current three vehicular access driveways from the Goulburn Street and introduce a single central driveway leading to the basement

	<i>pedestrian and traffic conflicts on the Hume Highway,</i> <i>d) to improve the quality of public spaces in the city centre,</i> <i>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,</i> <i>f) to enhance the natural river foreshore and places of heritage significance,</i> <i>g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.</i>	parking level beneath the building, which will help to minimise traffic conflicts. d) The development provides a high quality presentation to the public domain. 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
Clause 7.4 Building Separation in Liverpool City Centre	Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least: - 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) - 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished)	Complies A minimum 9m is provided to the adjoining building to the west. No other buildings of a similar height adjoin the site. However to allow equitable separation the proposed development has provided half of the required building separation to the relevant boundary at all levels
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	Complies 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

	architectural and urban design within the city centre. The Clause sets out the matters that must be considered by Council.	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 52.43m is provided to Goulburn Street.
Clause 7.8 Flood Planning	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land, and (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and (f) is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual.	Not Applicable The subject site is not impacted by flood risk.

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

No draft instruments apply to this site.

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

(i) Liverpool 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 5 – Liverpool Development Control Plan

LDCP 2008 Part 1: General Controls for All Development		
Control	Provision	Comment
Section 2. Tree Preservation	Controls relating to the preservation of trees	Complies The application proposes the retention and protection of 8 trees within the subject site and the adjoining sites, and the removal of 7 trees. The application was accompanied by an Arborist Report, which provided recommendations to ensure the trees are protected during construction. This aspect has also been reviewed by Council's Landscape Officer, who has raised no issues.
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies The landscape plan has been reviewed by Council's Landscape Officer, who has raised no issues with the design.
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.
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.	Not Applicable The development site is not affected by flooding.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies As discussed within this report, the site is considered suitable for the development.
Section 11. Salinity Risk	Provisions relating to development on saline land.	Not Applicable The development site is identified as containing a low salinity potential. Therefore, a salinity management response plan is not required.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The development site is not identified as containing the potential for acid sulphate soils to occur.
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Complies Conditions of consent will be imposed to ensure demolition works are carried out in accordance with relevant Australian Standards.
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Not Applicable The site is not identified as having archaeological potential in accordance with the Liverpool Archaeological Zoning and Management Plan 1996, prepared by Casey and Lowe.
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Complies This aspect has been discussed in detail within Section 6.1(a)(iv) of this report.
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was not required to be notified.
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	Not Applicable Given the proximity to Warwick Farm and

	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). The following parking is required: - 14 x 1 bedroom units requires 14 spaces - 75 x 2 bedroom units requires 75 spaces - 12 x 3 bedroom units requires 18 spaces A total of 107 spaces required for the residential units - 107 residential units requires 10.1 visitor spaces - 3 carwash/service bays are required.	Liverpool Train Stations the proposal was able to apply the parking requirements pursuant to the RMS guidelines. As demonstrated previously in this report, the proposed development is compliant with the RMS requirements.
	Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces	Not Applicable, the proposal complies with the RMS requirements
	Provide 2% of the total demand generated by a development, for parking spaces accessible, designed and appropriately signposted for use by persons with disabilities.	Not Applicable, the proposal complies with the RMS requirements
	1 bicycle space per 200m² of gross floor area. 15% of this requirement is to be accessible to visitors	Not Applicable, the proposal complies with the RMS requirements
Section 21. Subdivision of Land and	Provisions relating to the subdivision of land.	Not Applicable The DA does not propose the subdivision of land.

Buildings		
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 upper basement level 1. A loading collection bay is positioned adjacent to the garbage room, where by the collection vehicles will be able to access, manoeuvre, and park within the basement on collection days. The Owners Corporation will be responsible for all issues associated with the on-going management and maintenance of the Garbage Chute Systems and all activities associated with it. Residents will place their recycling material into a 240 litre mobile recycling bin located in the Waste Room in the Core of that level of the building. A representative of the Owners Corporation will be responsible for transporting the 240 litre mobile bin from the Waste Room on each floor of both Northern and Southern Cores into the Garbage Room, located in the western end of Basement 1 of the complex. All waste handling 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 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 a 4-4.5m landscaped setback to Goulburn Street.	Complies Front setback ranges from 4-5m																								
	The external facades of buildings are to be aligned with the streets that they front.	Complies The external facades align with the streets.																								
	Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible.	Complies No protrusions beyond the front setback proposed.																								
Street Frontage Height	A street frontage height (SFH) of 15m-25m is required for Goulburn Street	Complies The proposed SFH is 24.4m (up to level 8). Level nine is offset from the front boundary line by 10,599m to walls and 7.190m to balconies.																								
Building Depth and Bulk	The maximum floor plate size above a height of 25m is 20% of the gross floor area.	Not Applicable The proposed building reaches a maximum height of 27.45m from ground level and a total of 9 levels is proposed. The 9 th level is 9.6% of the total GFA of the development which equates to 756m ² .																								
Boundary Setback and Building Depth and Bulk	1. Required side and rear setbacks are: <table border="1"> <tr> <th colspan="3">Up to 12m in height</th></tr> <tr> <th></th><th>Side</th><th>Rear</th></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> <th colspan="3">From 12m to 25m</th></tr> <tr> <th></th><th>Side</th><th>Rear</th></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> </table>	Up to 12m in height				Side	Rear	Non-habitable	3	6	habitable	6	6	From 12m to 25m				Side	Rear	Non-habitable	4.5	6	habitable	9	9	Complies Dimensions are typical to all levels North side Boundary 6m South side Boundary 9m West Rear Boundary 6m
Up to 12m in height																										
	Side	Rear																								
Non-habitable	3	6																								
habitable	6	6																								
From 12m to 25m																										
	Side	Rear																								
Non-habitable	4.5	6																								
habitable	9	9																								

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.	Complies Deep soil zone proposed: 422m ² or 15.7% of the site area. The deep soil is provided in one continuous block along the western and southern boundaries.
	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.	Complies Existing vegetation where practicable has been retained.
	A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline how landscaped areas are to be maintained for the life of the development.	Complies Conditions can be imposed to ensure the long term maintenance of the landscaped areas.
	Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice).	Not Applicable Public spaces are not proposed.
Planting on Structures	Areas with planting on structures are to be irrigated with recycled water.	Not Applicable
	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 150m³ - Medium trees (2 – 8m high), minimum soil depth 1m, minimum soil volume 35m³ - Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m³ - Shrubs and ground cover, minimum soil depth 0.5m, no minimum soil volume.	
Amenity		

Pedestrian Permeability		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, three footpaths have been introduced to spread out the pedestrian activity, foot paths lead to lifts and to outdoor communal area at the rear of the property. It is considered that sufficient passive surveillance is provided. Further, the DEP has supported the application. Front fences are not proposed.
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 through 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 pathways, stairwells, hallways and car parks.	Complies The development does not create any blind corners or dark alcoves.
	Maximise the number of residential 'front door' entries at ground level.	Complies Three front entrances are provided to Goulburn 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 Goulburn 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).	Not Applicable 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.	Not Applicable Sharing a driveway is not feasible.
	Vehicle access ramps parallel to the street frontage will not be permitted.	Not Applicable The proposed vehicle access ramp is perpendicular to the street.
	Ensure vehicle entry points are integrated into building design.	Complies The driveway entry is integrated into the building design.
	Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	Complies The vehicle entry will use the same materials as per the rest of the building.
Building Exteriors	Balconies and terraces should be provided, particularly where buildings overlook public spaces. Gardens on the top of setback areas of buildings are encouraged.	Complies The development provides for balconies and terraces to all floors.
	Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.	Complies The building facades are articulated through the provision of a wide variety of design elements such as windows with varying proportions, balconies, glazed and masonry balustrades and sun screens.
	Limit sections of opaque or blank walls greater than 4m in length along the ground floor	Complies The building frontage does not contain any blank

	to a maximum of 30% of the building frontage.	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.
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 who have responded in support, subject to conditions.
	The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	Complies Barrier free access is provided to the ground floor.
	The development must provide accessible internal access, linking to public streets and building entry points.	Complies Sufficient accessible internal access is provided to the street and building entry points. The accessible unit is located on the ground floor.

	Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	Complies Durable materials will be used which include but limited to concrete footpath, paving and tiles.
Vehicular Driveways and Manoeuvring Areas	Driveways should be: - provided from lanes and secondary streets rather than the primary street, wherever practical, - located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, - located a minimum of 10m from the perpendicular of any intersection of any two roads, and - Located to minimise noise and amenity impacts on adjacent residential development.	Complies A driveway is provided located on the eastern side of the development with access from Goulburn Street. The location of the driveway will not be in conflict with any services located within the road reserve. The location of the driveway is unlikely to create a noise and amenity impact on adjacent residential development. Furthermore, it is recommended that advisory notes are imposed advising the application to conduct a 'dial before you dig'.
	Vehicle access is to be integrated into the building design so as to be visually recessive.	Complies The vehicle access is visually recessive as it leads down to basement car parking.
	All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	Complies Minimum aisle widths are provided within the basement car parking area to sufficiently enable a three point turn. All vehicles will therefore be 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.	Not Applicable No habitable rooms are located adjacent to the access way.
On Site Parking	Car Parking Requirements - 1 space per one bedroom or two bedroom apartments; - 1.5 spaces per three or more bedroom units - 1 space per 10 units for visitors - 1 space per 40 units for service vehicle	As discussed above appropriate parking facilities are provided.
	Motorcycle Car Parking Spaces - 1 motorcycle space per 20 car spaces	
	Accessible Car Parking Spaces - 2% of the total demand generated by a development.	
	Bicycle Parking - 1 bicycle space per 200m² 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.	Not Applicable
	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.	Not Applicable 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 safety of pedestrians or drivers.	Complies The types of building materials used in the facade include painted rendered finish, face brick, glazing, aluminium framed windows and metal roofing. It is unlikely that these materials will result in an unacceptable level of glare on pedestrians and/or drivers.
	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.	Complies Suitable non-reflective materials used
	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	Not Applicable 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	Complies The proposed development is technically not considered to be a tower due its height of 28.8m

	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.	
	A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height.	Not Applicable 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	Not Applicable 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 LDGP 2008, the development proposes the following storage of waste: 240L 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	Complies The following comments are made:

	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 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 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.
	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: - 15 x 1 Bed Units (15%) - 75 x 2 Bed Units (74%) - 11 x 3 Bed Units (11%)
	For smaller developments (less than six dwellings) achieve a mix appropriate to	Not Applicable

	the locality.	
	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.	Not Applicable The development will not be built by the Department of Housing.
	For residential flat buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure useability is achieved.	Complies 11 adaptable units are proposed (10%).
	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.

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

No planning agreement relates to the site or proposed development.

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

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

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

There are no Coastal Zones applicable to the subject site.

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

(a) Natural and Built Environment

Built Environment

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

The proposed scheme featuring a ‘U’ 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 subject development and to the adjoining sites to the North, South and West of the site. The development satisfactorily addresses Goulburn Street with a contemporary built form that would activate the street. Furthermore, the proposal has been designed with adequate regard to the northern, southern and western adjoining sites without having any adverse impact on the development potential of these adjoining sites. In this regard, the south and west 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 north (7 Goulburn Street) will be an isolated site as a result of this development, with an area of 816m² and a site frontage width of 15.85m. This site is owned by the Land and Housing Corporation (LAHC), who were advised of the potential isolation of No. 7 Goulburn Street, and to consider the site consolidation with the development site No. 9 – 13 Goulburn Street. However, no response was received from LAHC.

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 as an Asbestos Management Plan has been provided.

Consideration has been given to the proposed tree removal. Eight (8) trees are to be retained and protected during construction, including 2 trees within the Council strip (tree No. 14 & 15) and 5 located within adjoining properties (tree No. 3, 4, 9, 10, 11 & 12), seven (7) trees to be removed. The application was accompanied by an Arboricultural Impact Assessment which concluded that the identified trees to be retained are to be protected 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.

Heritage impacts

The proposed development is unlikely to generate any adverse impacts upon the ‘Hoddle Grid’ – Goulburn 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 low levels of salinity, no adverse impacts are likely to occur as a result of the development. In addition, a condition of consent is imposed to ensure that an appropriate sediment and erosion control method is implemented during construction.

(b) Social Impacts and Economic Impacts

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

Being within close proximity to Liverpool's medical hub, the adaptive units are likely to be utilised by people using wheelchair as the building entry, lifts and corridors are appropriately wide and are accessed with ease.

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

The proposed development achieves the safer by design guidelines for crime prevention, through intercom system, surveillance and lighting provisions throughout the building.

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

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

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

(a) Internal Referrals

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

Department	Comments
Building	The application is capable of complying with the BCA, subject to conditions.
Land Development Engineering	Engineering have reviewed the concept stormwater drainage plan, and have given their support of the application subject to conditions.
Environmental Health	Council's Environmental Health Section have reviewed the Acoustic Assessment which concluded that, provided the recommendations in the report are implemented, the noise from the proposed development will meet the acoustic requirements outlined in the relevant guidelines. As such the application is supported, subject to conditions. Council's Environmental Health Section have also reviewed and supported the Site Investigation Reports Phase 1 and 2, and are in support of the Asbestos Management Plan. Conditions of consent have been imposed to ensure the implementation of the recommendations during construction works.
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.

Floodplain Engineering	Council's Floodplain Engineers have reviewed and supported the application with no further requirements as the subject site is not impacted by a flood risk area.
Landscaping	Council's Landscape Officer has reviewed the proposed landscaping plan, tree removal and the proposed retention of trees, with no issues raised, subject to conditions.
Traffic and Transport	The traffic and Transport support the application, subject to conditions. The traffic generation impact from the development will not exceed the capacity of the surrounding road network. Additionally, car parking, access and design comply with the relevant requirements.

(b) External Referrals

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

Authority	Comments
Endeavour Energy	Supported.
RMS	Supported, with no conditions
Bankstown Airport	No Response
Care Flight	No Response

(c) Community Consultation

In accordance with the LDCP 2008, the application was not required to be notified. However, a notification letter was issued to the LAHC on 10 May 2017, advising of the potential isolation of No. 7 Goulburn Street, and to consider the site consolidation with the development site No. 9 – 13 Goulburn Street. No response was received from LACH in this regard.

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

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

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

7 CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposal substantially complies with the provisions of the LDCP 2008.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form is consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.
- The development will be well located in relation to transport, employment, shopping, business and community services 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.

8 ATTACHMENTS

- 1 Architectural plans
- 2 Landscape plan
- 3 Stormwater drainage plan
- 4 Survey plan
- 5 Statement of Environmental Effects
- 6 SEPP 65 Verification Statement, Design Principles and Compliance Table
- 7 Acoustic Report
- 8 Traffic and Transport Assessment Report
- 9 Heritage Impact Statement
- 10 Arboricultural Assessment Report
- 11 Geotechnical Report
- 12 Access Report
- 13 Waste Management Plan
- 14 Asbestos Management Plan
- 15 Design Excellence Panel Minutes
- 16 BASIX Certificate
- 17 Letters of attempted site consolidation
- 18 Recommended conditions of consent