

# SYDNEY SOUTH WEST PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2017SSW017
<b>DA Number</b>	DA-1109/2016
<b>LGA</b>	Liverpool City Council
<b>Proposed Development</b>	Demolition of all existing structures and construction of a 5-storey residential flat building comprising of two levels of basement parking and 28 residential units. The application is lodged pursuant to SEPP (Affordable Rental Housing) 2009. Liverpool City Council is the consent authority and the Sydney South West Planning Panel has the function of determining the application.
<b>Street Address</b>	LOT 15 DP 35980, LOT 16 DP 35980 21 ANDERSON AVENUE, LIVERPOOL NSW 2170, 23 ANDERSON AVENUE, LIVERPOOL NSW 2170
<b>Applicant/Owner</b>	ROBERTSON & MARKS PTY LTD
<b>Date of DA Lodgement</b>	24 November 2016
<b>Number of Submissions</b>	0
<b>Recommendation</b>	Approval (Subject to Conditions)
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	The development contains affordable housing with a capital investment value of \$6.7 million.
<b>List of all relevant s79C(1)(a) matters</b>	<p><i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i></p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.</li> <li>• State Environmental Planning Policy No.55 – Remediation of Land.</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011.</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</li> <li>• State Environmental Planning Policy (Infrastructure) 2007.</li> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.</li> <li>• State Environmental Planning Policy (Affordable Rental Housing) 2009</li> </ul> <p><i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i></p>

	<ul style="list-style-type: none"> <li>No draft Environmental Planning Instruments apply to the site.</li> </ul> <p><i>List any relevant development control plan: s79C(1)(a)(iii)</i></p> <ul style="list-style-type: none"> <li>Liverpool Local Environmental Plan 2008</li> <li>Part 1 – General Controls for all Development.</li> <li>Part 3.7 – Residential Flat Buildings</li> </ul> <p><i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i></p> <ul style="list-style-type: none"> <li>No planning agreement relates to the site or proposed development.</li> </ul> <p><i>List any coastal zone management plan: s79C(1)(a)(v)</i></p> <ul style="list-style-type: none"> <li>The subject site is not within any coastal zone management plan.</li> </ul> <p><i>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</i></p> <ul style="list-style-type: none"> <li>Consideration of the provisions of the Building Code of Australia.</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>Architectural plans</li> <li>Landscape plans</li> <li>Recommended Conditions of Consent</li> <li>Clause 4.6 Variation written justification for height variation</li> <li>Statement of Environmental Effects</li> <li>SEPP 65 Design Verification Statement</li> <li>Design Excellence Panel Comments</li> <li>Letter from Evolve Housing (Community Housing Provider)</li> <li>Waste Management Plan</li> </ol>
<b>Report prepared by</b>	Marcus Jennejohn, Senior Development Planner
<b>Report date</b>	6 July 2017

<b>Summary of s79C matters</b> Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> 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>	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> 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?	<b>Yes</b>
<b>Special Infrastructure Contributions</b> 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>	<b>No</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment?	<b>Yes</b>

## **1. EXECUTIVE SUMMARY**

### **1.1 Reasons for the report**

The Sydney South West Planning Panel is the determining authority as the Capital Investment Value of the development is over \$5 million and contains affordable housing, pursuant to Clause 6(b) of Schedule 4A of the Environmental Planning and Assessment Act 1979.

### **1.2 The proposal**

The application seeks approval for demolition of all existing structures and construction of a 5-storey residential flat building comprising 28 residential apartments including affordable rental housing over two levels of basement carpark, pursuant to the provisions of SEPP (Affordable Rental Housing) 2009.

The development provides for 50% of the 28 units (i.e 14 units) as affordable housing units which are identified as affordable housing units spread evenly over the development.

### **1.3 The site**

The subject site is identified as Lots 15 & 16 in DP 35980, being 21 & 23 Anderson Avenue, Liverpool. An aerial photograph of the subject site is provided below. The site is slightly irregular in shape with a total area of 1545m<sup>2</sup>.



**Figure 1: Aerial photograph of the locality of the site**

### **1.4 The issues**

The main issues are identified as follows:

- Non-compliance with the Liverpool Local Environmental Plan (LLEP) 2008 - Clause 4.3 Height of Buildings. The building exceeds the 15m height limit by 2.18m.

## **1.5 Exhibition of the proposal**

The DA was notified in accordance with LDCP 2008 for a period of 14 days from 4 January 2016 to 18 January 2016. No submissions were received.

## **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 written request to vary the height of buildings development standard pursuant to Clause 4.6 of the LLEP 2008, it is recommended that the application be approved, subject to conditions.

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

### **2.1 The site**

The subject site is identified as Lots 15 & 16 DP 35980 21-23 and is known as Anderson 21-23 Avenue, Liverpool. The site is slightly irregular in shape with a total area of 1545m<sup>2</sup> and a lot width of 30.48m. The site is comprised of two allotments; each allotment contains a single storey detached dwelling. The subject site is located on the northern side of Anderson Avenue between Flowerdale Road to the west and Alamein Avenue to the east.

### **2.2 The locality**

The locality predominantly consists of single detached dwellings with a number of multi-dwelling housing developments as part of the transition to higher density. There is a 2-storey multi-dwelling housing development to the east of the site. To the west, north and south are single storey detached dwellings. Approximately 30m to the west is Alamein Park.

It is noted that properties to the north-east fronting Moore Street have approvals for 3 and 4-storey residential flat buildings.

Accordingly, the locality is experiencing transition from low density detached dwellings to multi-dwelling housing developments and RFBs, consistent with the areas R4 zoning.

Photographs of the site and surrounds are provided below.



**Figure 2** - View of site from Anderson Avenue looking north-east



**Figure 3** – Detached dwellings across Anderson Avenue to south



**Figure 4 – View of site frontage along Anderson Avenue looking east**

## **2.3 Site affectations**

There are no site affections to be considered.

## **3. BACKGROUND**

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

The initial assessment of the proposal at Pre-DA meetings held in 2016 by the Design Excellence Panel (DEP) identified several elements which would improve the built form and aesthetics of the proposal, these included creating a building which complied with FSR controls, relocating the waste/bin collection to the basement, incorporation of a skylight in the upper level and examining the feasibility of locating the building closer to the street to increase the rear setback and support the communal open space at the rear of the building. These pre-DA comments were addressed by the applicant and the revised proposal was subsequently reviewed by the DEP as part of the development assessment process.

### **3.1 Design Excellence Panel**

On 16 March 2017, DA-1109/2016 was presented to the Design Excellence Panel for a 5 storey residential flat building comprising 28 units. The following were noted to inform the DEP prior to their assessment:

- Plans address most of the DEP comments from the Pre-DA meeting
- FSR now compliant at 1.5:1
- LEP - Height variation of 500mm to the rooftop and a non-compliance of 1.9m due to lift overrun (total building height 17.18m). Note this variation was supported by earlier DEP comments at pre-DA stage.
- Rear setback was increased from 6m to 8m
- Waste/bin collection relocated to basement
- Skylight incorporated into upper level

The Design Excellence Panel comments and recommendations are summarised below:

- *The panel is supportive of the proposal, as the issues raised in the previous DEP minutes have been satisfactorily resolved. The panel commends the applicant in this regard.*
- *The applicant requested that a condition be imposed requiring details of schedule of finishes, materials and colours be submitted to Council prior to the issue of a CC. The Panel supports this request.*
- *A mature Brushbox tree in the north-eastern corner of the site be retained and incorporated into the development as per previous DEP minutes.*

- *Landscape fencing to be more compatible with the design and quality of the development as a whole.*
- *Additional drawings were provided at the time of the panel meeting with minor modifications to the ground floor fire egress, apartment layouts on either side and above and treatment of top floor balustrades.*
- *The panel supports additional landscape treatment to the top floor balustrade to be supported by detailed landscape plans and sections.*
- *The panel also supports large and more useable outdoor terrace and balcony areas.*
- *The panel supports 3100mm floor to floor height and notes that this may contribute to additional building height.*

#### Addressing DEP comments

As discussed in the SSWPP Briefing Meeting:

- Further assessment of the brushbox tree determined it was not appropriate to be retained due to an already raised root system near the base of the trunk and that a better outcome was to provide suitable landscaping and replacement trees.
- A condition is being recommended which will support the DEPs comments regarding the appropriate choice of materials and finishes which will be robust and low maintenance.
- The remaining recommendations of the DEP were introduced into the design of the proposal and the current proposal is considered to exhibit design excellence.

The application was not required to be presented to the DEP again.

### **3.2 Planning Panel Briefing**

A Planning Panel Briefing meeting was held on 22 May 2017. The panel was made aware of existing issues raised by the DEP in their review of the proposal. In addition to issues highlighted by the DEP, the panel raised the following items of consideration:

1. Impact of overshadowing from approved and potential developments to the north
2. Solar access to the communal open space – northern boundary
3. Setback – predominant setback of newer buildings and can the building be pushed further south
4. Unit mix – mix of affordable housing
5. Social impact comment

#### Addressing SSWPP comments

1. Impact of overshadowing from approved and potential developments
  - Sun and overshadowing diagrams has been provided with consideration to the existing and potential future developments to the north, noting that the 'potential developments' are indicative building footprints based on the applicant's interpretation of existing approvals to the north on adjoining sites.
2. Solar access to communal open area
  - Shadow diagrams are provided which demonstrate ADG compliant solar access to the principal usable part of the communal open space.
3. Setback in the streetscape
  - The setback proposed is in keeping with the setback of the multi-dwelling development immediately to the east. It is also noted that the front setback proposed of 8.5m at ground floor (and 6m - 8m for floors above) allows for the provision of required above ground onsite stormwater detention (OSD).
4. Unit mix
  - Plans have been revised to accommodate two additional 3 bedroom dwellings and to improve the mix of affordable housing.
5. Social impact comment
  - A social impact comment has been provided and assessed as adequate by Council's Community Planning Section.

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

Development consent is sought for:

### **Building Design**

- Demolition of existing structures;
- Construction of a 5 storey residential flat building comprising 28 apartments;
  - 10 x 1 bedroom apartments; (36%)
  - 15 x 2 bedroom apartments; (54%) and
  - 3 x 3 bedroom apartments. (11%)
- FSR of 1.5:1 complies with the maximum FSR 1.5:1 under LLEP including SEPP bonus;
- Maximum height of the building to the roof is 15.5m, which doesn't comply with the LLEP height control of 15m. The lift overrun protrudes above the building by 1.68m, resulting in a total height of 17.18m
- 428m<sup>2</sup> of communal open space at the front and rear of the site which complies with the LDCP and ADG.

### **Parking Provisions**

- Vehicle Access from Anderson Street;
- 2 basement levels of parking comprising the following;
- 30 car spaces (comprising 6 visitor spaces, 24 residential spaces including 4 accessible spaces) which complies;
- 1 service/car wash bays;

### **Landscaping**

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

### **Site Servicing Facilities**

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

### **Stormwater Drainage**

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

### **Demolition**

- Demolition of existing buildings on site at 21 and 23 Anderson Avenue, consisting of two detached dwellings.

Images of the proposed development are provided below:



**Figure 7** – Perspective view from Anderson Avenue looking north west



**Figure 8** – Perspective view from Anderson Avenue looking north east

## **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 (Affordable Rental Housing) 2009;
- 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; and
- Liverpool Local Environmental Plan 2008.

### Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

### Development Control Plans

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

### Contributions Plans

- Liverpool Contributions Plan 2009 - Established Areas applies.

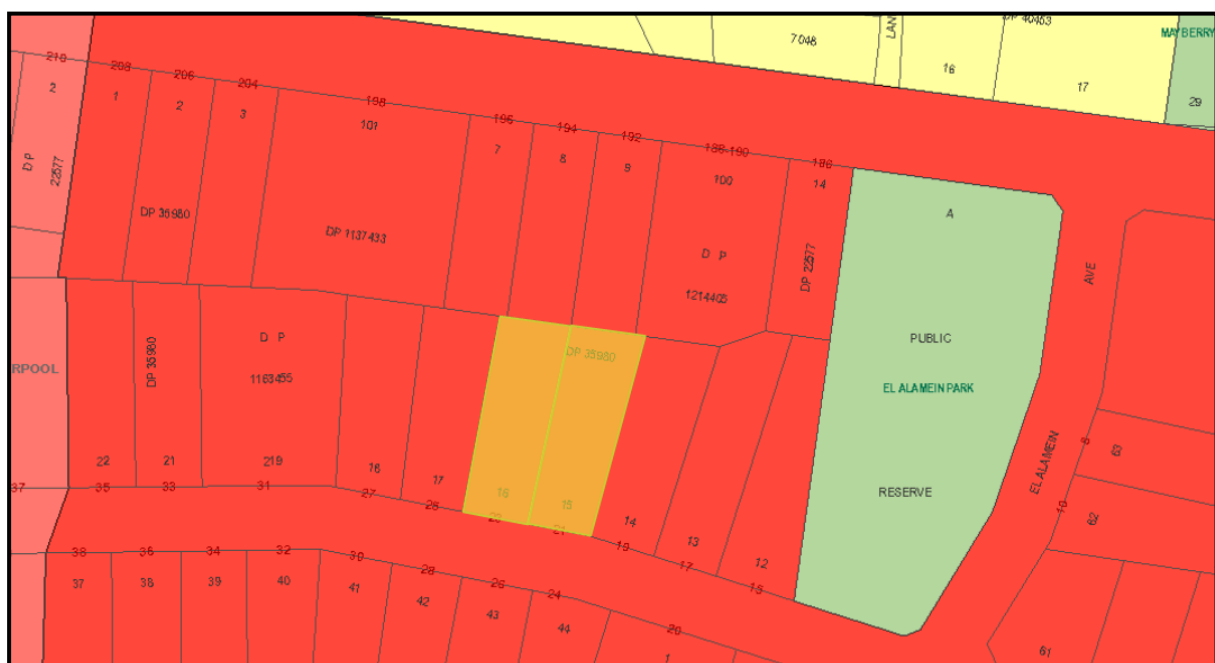
### Guides

- Apartment Design Guide (ADG)

## **5.2 Permissibility**

The site is zoned R4 High Density Residential, pursuant to the LLEP 2008. The proposed development is defined as a *residential flat building* which is a permissible development in the R4 zone, subject to council consent.

A detailed assessment of the application against all relevant provisions is provided under Section 6 of this report.



**Figure 9 – Extract of the LLEP 2008, zoning map**

## 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

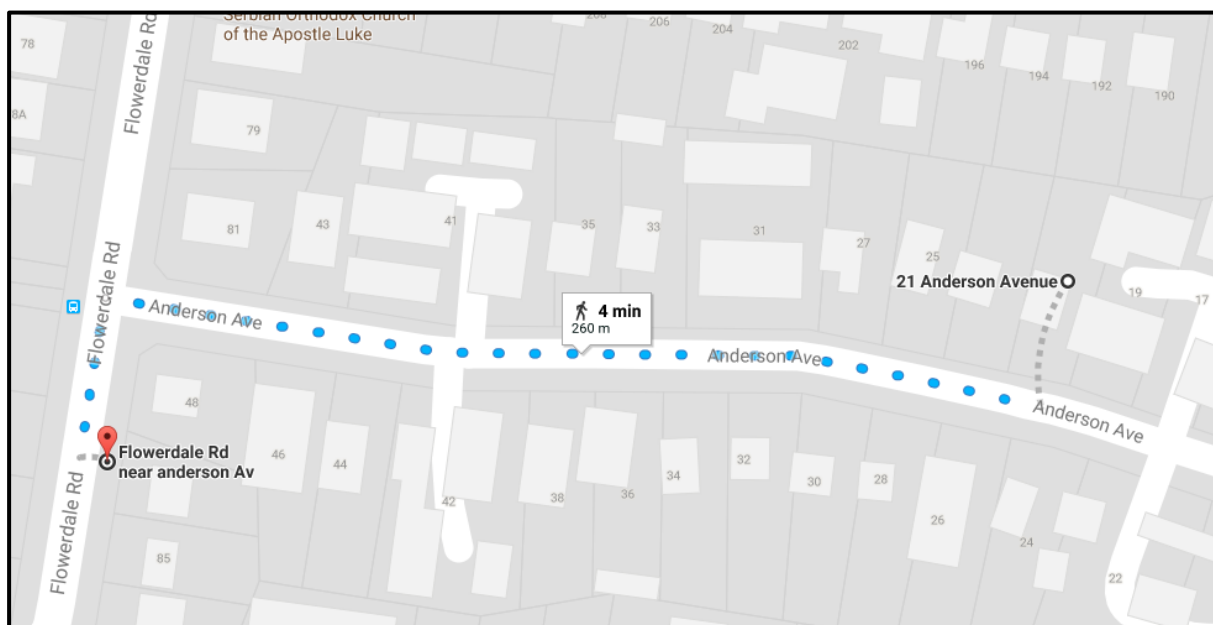
#### (a) State Environmental Planning Policy (Affordable Rental Housing) 2009

The DA has been lodged pursuant to the SEPP (Affordable Rental Housing) 2009. An assessment against the relevant provisions is provided in the table below.

Provision	Comment
<b>Part 2 New Affordable Rental Housing</b>	
<b>Division 1 In Fill Affordable Housing</b>	
<b>Clause 10 Development to which Division Applies</b>	
<p><i>(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</i></p> <p><i>(a) the development concerned is permitted with consent under another environmental planning instrument, and</i></p> <p><i>(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.</i></p>	<p><b>Complies</b></p> <p>The proposed development is permitted with consent under the LLEP 2008 and the site does not contain a heritage item.</p>
<p><i>(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.</i></p> <p><i>‘accessible area’ means land that is within 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday</i></p>	<p><b>Complies</b></p> <p>The site is located within an accessible area (bus stop located approximately 260m away on Flowerdale Road which is serviced by bus routes 853 and 854.</p> <p>The above bus services operate within the parameters specified in the SEPP (Affordable Rental Housing) 2009.</p>
<b>Clause 13 Floor Space ratio</b>	
<p><i>(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.</i></p>	<p><b>Complies</b></p> <p>It is proposed that 50% of the gross floor area) of the development will be utilised for affordable housing.</p>
<p><i>(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</i></p> <p><i>(a) if the existing maximum floor space ratio is 2.5:1 or less:</i></p> <p><i>(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</i></p> <p><i>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</i></p> <p><i>AH is the percentage of the gross floor area of the development that is used for affordable housing.</i></p> <p><i><math>Y = AH \div 100</math></i></p>	<p><b>Complies</b></p> <p>It is proposed that 50% of the gross floor area of the development will be utilised for affordable housing. Therefore, a bonus FSR of 0.5 is applicable.</p> <p>The FSR permissible under LLEP 2008 is 1:1. Therefore, the FSR for the site increases to a maximum FSR of 1.5:1</p> <p>Proposed GFA 2304m<sup>2</sup> / Site Area 1545m<sup>2</sup> = 1.5:1</p>

<b>Clause 14 Standards that cannot be used to refuse consent</b>	
<p><b>(1) Site and solar access requirements</b>  A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	
<p><b>(b) Site Area</b>  at least 450 square metres,</p>	<p><b>Complies</b>  The site has an area of 1,545m<sup>2</sup>.</p>
<p><b>(c) landscaped area: if:</b>  (i) in the case of a development application made by a social housing provider—a minimum 35m<sup>2</sup> of landscaped area per dwelling is provided, or  (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p>	<p><b>Complies</b>  The proposal includes a total landscaped area of 543m<sup>2</sup> which is equivalent to 35% of the site area.</p>
<p><b>(d) Deep Soil Zones</b>  In relation to that part of the site area that is not built on, paved or otherwise sealed:  (i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone), and  (ii) each area forming part of the deep soil zone has a minimum dimension of 3m, and  (iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p>	<p><b>Complies</b>  The proposed development includes a total deep soil zone of approximately 300m<sup>2</sup> including 200m<sup>2</sup> at the rear of the site, which is equivalent to 19% of the site area.</p>
<p><b>(e) solar access:</b> if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p><b>Complies</b>  82% of the dwellings of the development will receive more than 3 hours of direct sunlight between 9am and 3pm.</p>
<p><b>(2) General</b>  A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	
<p><b>(a) parking</b>  (i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms or  (ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms.</p>	<p><b>Complies</b>  The proposed development requires the following parking:  - 10 x 1 bedroom requires 5 spaces;  and  - 15 x 2 bedroom requires 15 spaces.  - 3 x 3 bedroom requires 4.5 (5) spaces.    A total of 25 spaces are required for the residents. A total of 30 have been provided for the proposed development.</p>
<p><b>(b) dwelling size</b>  if each dwelling has a gross floor area of at least:  (i) 35m<sup>2</sup> in the case of a bedsitter or studio, or  (ii) 50m<sup>2</sup> in the case of a dwelling having 1 bedroom, or  (iii) 70m<sup>2</sup> in the case of a dwelling having 2 bedrooms, or  (iv) 95m<sup>2</sup> in the case of a dwelling having 3 or more bedrooms.</p>	<p><b>Complies</b>  Apartment sizes comply with these requirements.    Proposed:  1 bedrooms are 52-65m<sup>2</sup>  2 bedrooms are 73-83m<sup>2</sup>  3 bedroom is 95-104m<sup>2</sup></p>
<p><b>(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2)</b></p>	<p>Proposal complies.</p>
<b>Clause 16 Continued Application of SEPP 65</b>	
<p>Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.</p>	<p><b>Complies</b>  An assessment of SEPP 65 has been carried out and is found to be satisfactory. Further discussion is provided within this report.</p>

Clause 16A Character of Local Area	
<i>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i>	<b>Complies</b> The proposed development is considered to be compatible with the desired future character of the local area. The area is in transition from older style low density dwellings on a single lot to contemporary multiunit housing developments. The site is zoned R4 High Density with Residential Flat Buildings permissible in the zone, with a maximum height limit of 15m. The five storey RFB proposes a high quality design which will integrate with the surrounding development and is compatible with the transforming character of the local area.
Clause 17 Must Be Used for Affordable Housing for 10 Years	
<i>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</i>	
<i>(a) for 10 years from the date of the issue of the occupation certificate:</i> (i) <i>the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</i> (ii) <i>all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</i> <b>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.</b>	<b>Complies</b> Conditions of consent will be imposed to ensure compliance with this requirement.



**Figure 10** – 260m walking distance from subject site to bus stop

**(b) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; and the Apartment Design Guide**

The proposal seeks to construct a 5 storey residential flat building and therefore the provisions of SEPP 65 apply to the proposal.

SEPP 65 requires:

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

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

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

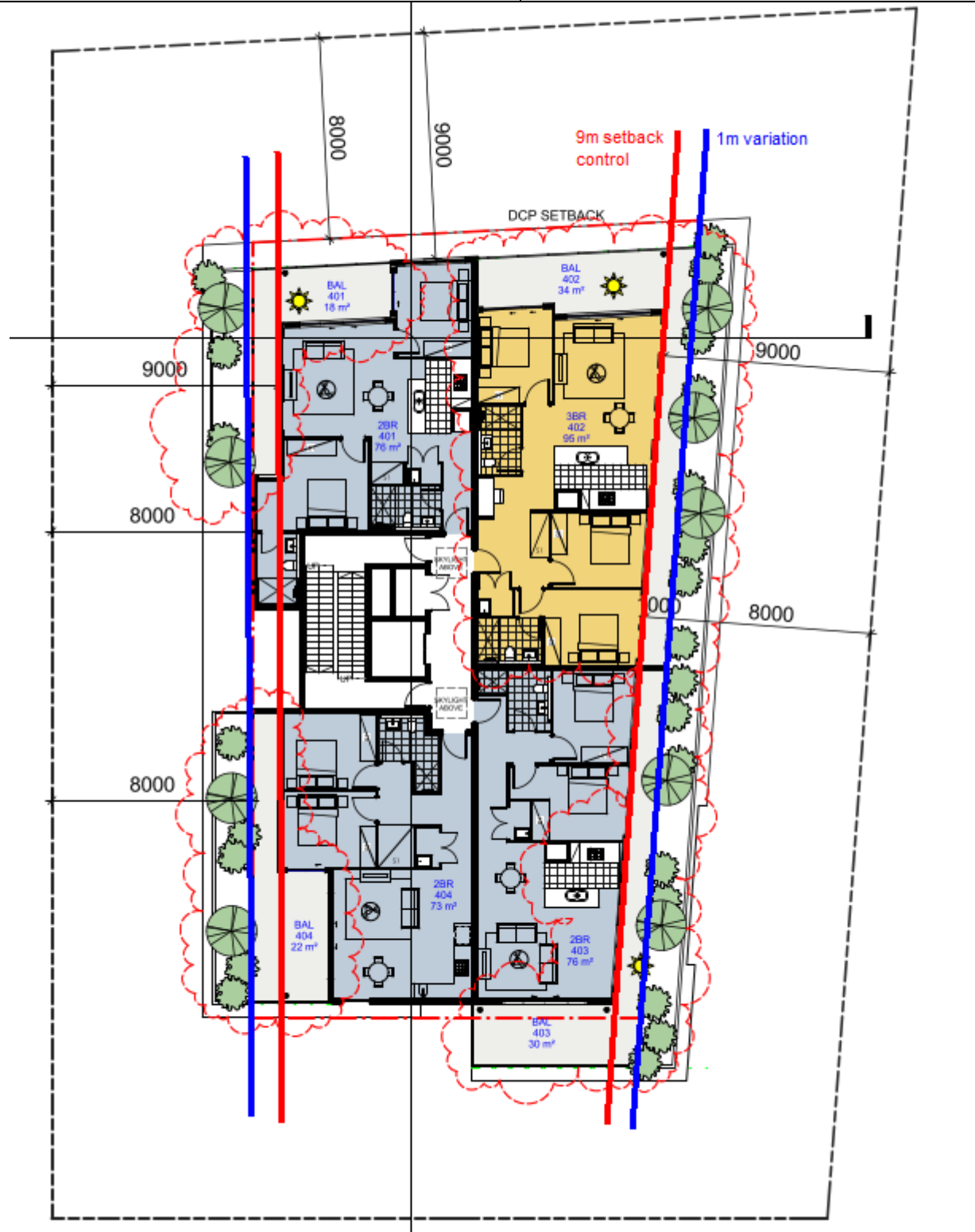
The response to the Design Quality Principles demonstrates that the proposed development achieves the design quality principles set out in Schedule 1 of SEPP 65 - Design Quality of Residential Apartment Development and that the proposed development is unlikely to prevent adjoining sites from being similarly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

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 development against the relevant provisions of the ADG.

### ADG Compliance Table

Provisions	Comment
<b>3A Site analysis</b>	
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 A detailed site analysis plan has been provided.
<b>3B Orientation</b>	
Building types and layouts respond to the streetscape and site while optimising solar access within the development  Overshadowing of neighbouring properties is minimised during mid-winter	Complies  The development will cantilever in part over the ground floor below creating a strong vertical element, which clearly defines the pedestrian entrance.  The site is provided with a north-south orientation, and where possible units have been orientated to maximise solar access.
<b>3C Public Domain Interface</b>	
3C-1 Transition between private and public domain is achieved without compromising safety and security  3C-2 Amenity of the public domain is retained and enhanced	All common areas and building entrances will be clearly delineated at street level. The vehicular access is separated from the pedestrian access to the building, and will be clearly identifiable along the Anderson Avenue frontage to ensure that pedestrian safety is provided.  The common areas provided at ground level will be separated from the residential apartments at this level.  Security access will be provided to the building.  The proposed front setback will be appropriately landscaped to complement the residential building. Garbage storage areas and services will be located within the basement levels and therefore not visible to the public domain.

Provisions	Comment												
	<p>Graffiti resistant and easily cleanable materials will be used.</p> <p>The subject site does not adjoin a public park or open space.</p>												
3D Communal and public open space													
<p>Communal open space has a minimum area equal to 25% of the site</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p> <p>Communal open space is designed to maximise safety</p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>	<p>Complies</p> <p>433m<sup>2</sup> (28%) communal open space is proposed.</p> <p>The communal open space is to the north (rear) and accordingly will achieve compliant levels of solar access. Further comment is provided at the end of this section.</p> <p>The proposed area of communal open space is of a size and dimensions that will allow for a range of activities. A pergola structure with climbers, BBQ, seating and timber decking is proposed to the northern communal open space for active recreation. Large open lawn areas to the rear of the building are provided with shading/setting to encourage passive recreation.</p> <p>The balconies of upper level units will overlook the areas of communal open space allowing for passive surveillance.</p>												
3E Deep soil zones													
<p>Deep soil zones are to meet the following minimum requirements:</p> <table><tr><th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr><tr><td>Less than 650m<sup>2</sup></td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m<sup>2</sup> to 1500m<sup>2</sup></td><td>3m</td></tr><tr><td>Greater than 1500m<sup>2</sup></td><td>6m</td></tr><tr><td>Greater than 1500m<sup>2</sup> with significant tree cover</td><td>6m</td></tr></table>	Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	Less than 650m <sup>2</sup>	-	7%	650m <sup>2</sup> to 1500m <sup>2</sup>	3m	Greater than 1500m <sup>2</sup>	6m	Greater than 1500m <sup>2</sup> with significant tree cover	6m	<p>Complies</p> <p>The proposed development provides 300m<sup>2</sup> of deep soil zones which equates to 19%. Deep soil zones contain a minimum dimension of 6m.</p>
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)											
Less than 650m <sup>2</sup>	-	7%											
650m <sup>2</sup> to 1500m <sup>2</sup>	3m												
Greater than 1500m <sup>2</sup>	6m												
Greater than 1500m <sup>2</sup> with significant tree cover	6m												
3F Visual Privacy													
<p>Minimum separation distances from buildings to the side and rear boundaries are as follows:</p> <table><tr><th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non Habitable Rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>12m to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 storeys)	6m	3m	12m to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Variation supported on merit</p> <p>The proposed Ground Floor – Level 3 includes setbacks of 6m to the side in keeping with the ADG. An 8m setback is proposed from these levels to the rear boundary in keeping with Council's DCP requirements and the comments received from DEP.</p> <p>Balconies of Apartments 401, 402, 403 and 404 are setback 9m but include a 1m variation to support wraparound balconies (supported by DEP in their DA stage review of the proposal). The increased balcony sizes will create more useable outdoor areas and amenity with the inclusion of planter boxes on what was previously an empty roof space of the floor below. Refer to figure below.</p>
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms											
Up to 12m (4 storeys)	6m	3m											
12m to 25m (5-8 storeys)	9m	4.5m											
Over 25m (9+ storeys)	12m	6m											

Provisions	Comment
 <p>The diagram shows a detailed floor plan of a building complex. It includes various rooms labeled with codes and areas: BAL 401 (18 m²), BAL 402 (34 m²), BAL 403 (30 m²), BAL 404 (22 m²), 2BR 401 (76 m²), 2BR 402 (96 m²), 2BR 403 (76 m²), 2BR 404 (73 m²), and 3BR 402 (96 m²). The plan also shows a 'DCP SETBACK' line, a '9m setback control' line (red), and a '1m variation' line (blue). Dimensions of 8000 and 9000 are marked on the plan. The building is surrounded by a red dashed line indicating the setback boundary. The plan also shows a 'SKYLIGHT ABOVE' label and a 'PARKING AREA' label.</p>	
<b>3G Pedestrian Access and Entries</b>	
Building entries and pedestrian access connects to and addresses the public domain	Complies
Access, entries and pathways are accessible and easy to identify	Primary access to the building will be via Andersons Avenue. The pedestrian and vehicle access points have been clearly separated to minimise conflicts.
Large sites provide pedestrian links for access to streets and connection to destinations	The entry points to the building will be clearly visible and identifiable from the street.
	Not applicable in this instance.

Provisions	Comment
<b>3H Vehicle Access</b>	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Complies A new vehicular crossing is proposed off Anderson Avenue to access the basement level car park.  Vehicle access points are located to achieve safety and minimise conflict.
<b>3J Bicycle and Car Parking</b>	
<p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street</p> <p>Parking and facilities are provided for other modes of transport</p> <p>Car park design and access is safe and secure</p> <p>Visual and environmental impacts of underground car parking are minimised</p> <p>Visual and environmental impacts of on-grade car parking are minimised</p> <p>Visual and environmental impacts of above ground enclosed car parking are minimised</p>	<p>Not Applicable</p> <p>Car parking has been provided in accordance with the requirements of the SEPP (Affordable Rental Housing) 2009.</p>
<b>4A Solar and Daylight Access</b>	
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 Solar and daylight diagrams were provided by the applicant. 82% or 23 of 28 units will receive a minimum of 2 hours of solar access during mid-winter.
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	
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	Complies All units will receive some solar access.
<b>4B Natural Ventilation</b>	
All habitable rooms are naturally ventilated	Complies 60% of all units are naturally cross ventilated.
The layout and design of single aspect apartments maximises natural ventilation	
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	

Provisions		Comment															
4C Ceiling Heights																	
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		Complies Floor to ceiling heights of at least 2.7m are provided.															
<table><tr><td colspan="2">Minimum ceiling height</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m from ground and first floor to promote future flexibility of use</td></tr></table>			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			
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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																	
4D Apartment Size and Layout																	
Apartments are required to have the following minimum internal areas:		Complies The apartments comply with the minimum size areas.															
<table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m<sup>2</sup></td></tr><tr><td>1 bedroom</td><td>50m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>70m<sup>2</sup></td></tr><tr><td>3 bedroom</td><td>90m<sup>2</sup></td></tr></table>			Apartment Type	Minimum Internal Area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>					
Apartment Type	Minimum Internal Area																
Studio	35m <sup>2</sup>																
1 bedroom	50m <sup>2</sup>																
2 bedroom	70m <sup>2</sup>																
3 bedroom	90m <sup>2</sup>																
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each																	
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 Habitable rooms are provided with windows of sufficient glass areas.															
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		Complies Habitable rooms are generally limited to 2.5m x the ceiling height.															
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		Complies															
Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)		Complies Bedrooms are of sufficient size.															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)		Complies Bedrooms have a minimum dimension of 3m.															
Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments		Complies Sufficient widths are provided to living rooms/dining rooms.															
4E Private Open Space and Balconies																	
All apartments are required to have primary balconies as follows:		Complies The development provides for sufficient balcony size and depths complying with ADG requirements.  • Bedrooms proposed provide a minimum of 8m <sup>2</sup> and 2m depth.  • Bedrooms proposed provide a minimum of 10m <sup>2</sup> and 2m depth.															
<table><tr><td>Dwelling Type</td><td>Minimum Area</td><td>Minimum Depth</td></tr><tr><td>Studio</td><td>4m<sup>2</sup></td><td>-</td></tr><tr><td>1 bedroom</td><td>8m<sup>2</sup></td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m<sup>2</sup></td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m<sup>2</sup></td><td>2.4</td></tr></table>			Dwelling Type	Minimum Area	Minimum Depth	Studio	4m <sup>2</sup>	-	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3 bedroom	12m <sup>2</sup>	2.4
Dwelling Type	Minimum Area		Minimum Depth														
Studio	4m <sup>2</sup>	-															
1 bedroom	8m <sup>2</sup>	2m															
2 bedroom	10m <sup>2</sup>	2m															
3 bedroom	12m <sup>2</sup>	2.4															
The minimum balcony depth to be counted as contributing to the balcony area is 1m																	

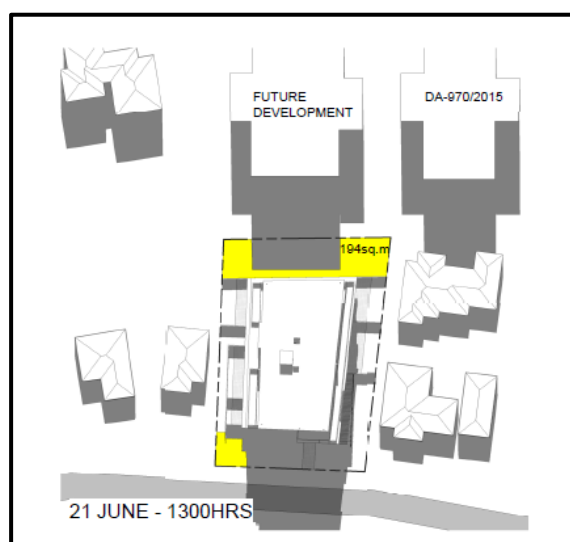
Provisions		Comment										
		<ul style="list-style-type: none"><li>Bedrooms provide a minimum of 12m<sup>2</sup> and 2.4m depth.</li></ul>										
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m		Complies More than 15m <sup>2</sup> of private open space is provided to ground floor units.										
4F Common Circulation and Spaces												
The maximum number of apartments off a circulation core on a single level is eight		Complies The maximum number of units off a circulation core is 7.										
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40		Not applicable										
4G Storage												
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling Type</th><th>Storage Size Volume</th></tr><tr><td>Studio</td><td>4m<sup>3</sup></td></tr><tr><td>1 bedroom</td><td>6m<sup>3</sup></td></tr><tr><td>2 bedroom</td><td>8m<sup>3</sup></td></tr><tr><td>3 bedroom</td><td>10m<sup>3</sup></td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p>		Dwelling Type	Storage Size Volume	Studio	4m <sup>3</sup>	1 bedroom	6m <sup>3</sup>	2 bedroom	8m <sup>3</sup>	3 bedroom	10m <sup>3</sup>	Complies Sufficient storage space is provided within each unit.
Dwelling Type	Storage Size Volume											
Studio	4m <sup>3</sup>											
1 bedroom	6m <sup>3</sup>											
2 bedroom	8m <sup>3</sup>											
3 bedroom	10m <sup>3</sup>											
4H Acoustic Privacy												
Noise transfer is minimised through the siting of buildings and building layout		Complies Appropriate construction materials will be utilised to minimise noise transfer.										
Noise impacts are mitigated within apartments through layout and acoustic treatments												
4K Apartment Mix												
A range of apartment types and sizes is provided to cater for different household types now and into the future		Complies The development provides for a mix of 1, 2 and 3 bedroom apartments, including adaptable designs. 11% of the apartments are proposed as 3 bedroom apartments.										
The apartment mix is distributed to suitable locations within the building												
4L Ground Floor Apartments												
Street frontage activity is maximised where ground floor apartments are located		Complies The proposal includes landscaping at ground level to provide for visual interest. The proposed fences and pathways clearly delineate areas of public and private open space.										
Design of ground floor apartments delivers amenity and safety for residents												
4M Facades												
Building facades provide visual interest along the street while respecting the character of the local area		Complies The overall design including building façade has been endorsed by the Design Excellence Panel.										
Building functions are expressed by the facade												
4N Roof Design												
Roof treatments are integrated into the building design and positively respond to the street		Complies The development is in accordance with these objectives.										
Opportunities to use roof space for residential accommodation and open space are maximised												
Roof design incorporates sustainability features		The roof level is designed to be subservient to the built form. The lift overruns are centralised to minimise visual impact.										

Provisions	Comment
	A photovoltaic system is proposed for the development with a rated electrical output of 1.5 peak kW.
4O Landscape Design	
Landscape design is viable and sustainable	Complies The development is in accordance with these objectives.
Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
Appropriate soil profiles are provided	Complies The development is in accordance with these objectives.
Plant growth is optimised with appropriate selection and maintenance	
Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
Universal design features are included in apartment design to promote flexible housing for all community members	Complies The development is in accordance with these objectives.
A variety of apartments with adaptable designs are provided	
Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not Applicable The DA is for the development of a new building and not the adaptive reuse of an existing building.
Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not Applicable The DA does not proposed a mixed use development.
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
Awnings are well located and complement and integrate with the building design	Not Applicable
Signage responds to the context and desired streetscape character	
4U Energy Efficiency	
Development incorporates passive environmental design	Complies The development is in accordance with these objectives.
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
Potable water use is minimised	Complies Potable water use is minimised and water efficient devices will be provided in accordance with the requirements of the BASIX certificate.
Urban stormwater is treated on site before being discharged to receiving waters	Complies This aspect has been reviewed by Council's Land Development Engineers who have raised no issues subject to conditions.
Flood management systems are integrated into site design	Not Applicable

Provisions	Comment
4W Waste Management	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Complies Waste storage facilities are provided in the basement.
Domestic waste is minimized by providing safe and convenient source separation and recycling	
4X Building Maintenance	
Building design detail provides protection from weathering	Complies The development is in accordance with these objectives
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

### 3D Communal and public open space comments

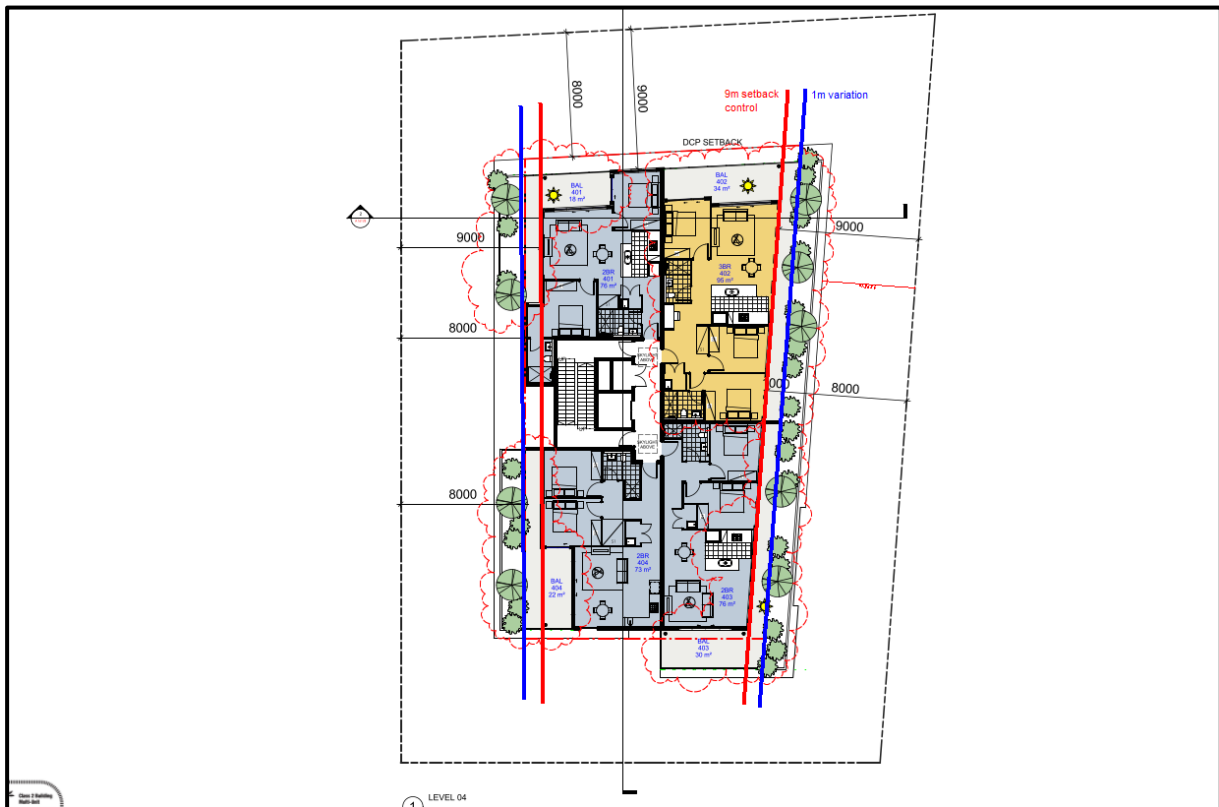
The ADG requires a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter). The communal open area for consideration is at the rear (north) of the property. The applicant has provided overshadowing figures which demonstrate that, subject to future development potential on adjoining sites to the north, the site will provide satisfactory solar access to the principal communal open area with up to 68% of the area achieving solar access at 12 noon (and over 50% of the principal communal open area receiving solar access between 12pm – 3pm).



**Figure 10** – Solar access to principal communal open space based on future development

### 3F Visual Privacy Comments

Balconies of Apartments 401, 402, 403 and 404 provide for complying 9m setbacks subject to a 1m variation to support wraparound balconies (supported by DEP in their DA stage review of the proposal). The increased balcony sizes will create more useable outdoor areas and amenity with the inclusion of planter boxes on what was previously an empty roof space to the floor below. Screening vegetation is proposed which will both improve the amenity of the proposed balconies while preventing overlooking to adjoining sites. The revised balconies include sections which are 1m wide and therefore non-compliant with ADG minimum widths, however, the remaining balcony spaces satisfy the width and size requirements of the ADG (without inclusion of the 1m wide sections).



**Figure 11 – Balcony widths and ADG setbacks (as discussed in ADG Section 3F)**

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

The objectives of SEPP 55 are:

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

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

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

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

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

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

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	

(a) it has considered whether the land is contaminated, and	Council's records indicate that historically the uses on site were predominately residential in nature
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The submitted assessment concludes the site is suitable for residential development.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Land is to be remediated if any contaminants are found during excavation works.

Contamination management conditions have been incorporated in the consent should any new information come to light during works (demolition or construction).



**Figure 12 – Historical imagery from 2002**

Based on the above it can be considered that the proposal satisfies Clause 7 of SEPP 55 and the site remains suitable for residential purposes.

**(e) State Environmental Planning Policy (BASIX) 2004**

A BASIX Certificate accompanied the original proposal, an updated BASIX Certificate will be requested as a condition of consent.

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

provided below.

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	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 the proposal provides an opportunity to address past potentially contaminating land use practices.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The site is not identified as containing the potential for acid sulphate soils to occur.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site is not flood affected.
(4) Industrial discharges	Not applicable.
(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

appropriate sedimentation and erosion controls during construction. The development will have minimal impact on the Georges River Catchment.

**(g) Liverpool Local Environmental Plan 2008**

**(i) Permissibility**

The proposed development is defined as a *residential flat building*. As per the LLEP, 2008, a *residential flat building* 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*. The subject site is zoned R4 High Density Residential under the LLEP 2008 and a residential flat building is permissible within the zone, subject to Council consent.

**(ii) Objectives of the zone**

The objectives of the 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 proposal satisfies the above objectives of the R4 zone as follows:

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

**(iii) Principal Development Standards and Provisions**

The application has also been considered against the relevant provisions and principal development standards of the LLEP 2008, which are listed in the table below.

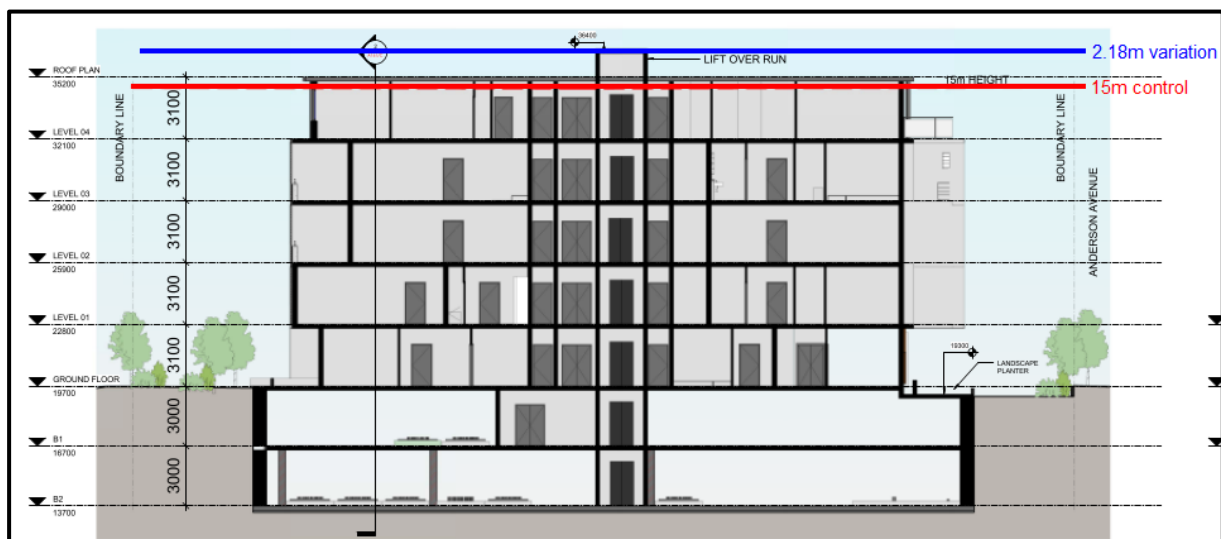
It is noted that Clause 8 of the SEPP (Affordable Rental Housing) 2009 prescribes that *if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency*. In this regard, only those provisions of the LLEP 2008 which are not in conflict with the SEPP (Affordable Rental Housing) 2009 have been considered.

Clause	Provision	Comment
Clause 2.7 Demolition	The demolition of a building or work may be carried out only with development consent	<b>Complies</b> Development consent is sought for the demolition of the existing buildings on the development site.
Clause 4.3 Height of Buildings	Maximum height of 15m	<b>Non compliance, supported on merit.</b> The development will result in a height of 17.18m. The variation is 2.18m representing a numerical noncompliance of 14.5%  A 4.6 variation has been submitted and is included in this report.
Clause 4.4 Floor Space Ratio	Maximum FSR of 1.0:1	<b>Not Applicable</b> Pursuant to the LLEP 2008, the FSR for the site is 1:1. However, the SEPP (Affordable Rental Housing) 2009 prescribes a maximum FSR of 1.5:1.  The development provides an FSR of 1.5:1, which is in accordance with the SEPP (Affordable Rental Housing) 2009.
Clause 4.6 Exceptions to development standards	Provisions relating to exceptions to development standards	A request to vary Clause 4.3 Height of Buildings has been submitted. Further discussion is provided below.
Clause 5.9 Tree preservation	A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without development consent	<b>Complies</b> A brushbox tree in the rear north-east corner of the site was originally requested by Council and DEP to be retained and incorporated into the development. However, following a detailed review of the submitted landscape plan and further investigation, Council's Landscape Section has advised that the tree already has a raised root system near the base of the trunk and is fairly close to and partially overhanging over the neighbouring house. This, combined with the location of the tree, necessitates the removal of the tree. Sufficient plantings are proposed to compensate for the removal of this tree.
Clause 7.8 Flood Planning	Provisions relating to development on flood prone land.	<b>N/A</b>
Clause 7.14 Minimum Building Street Frontage	Minimum building street frontage of 24m	<b>Complies</b> The site has a frontage of 31m to Anderson Avenue.

### Variation to Clause 4.3 Height of Buildings

Clause 4.3(2) of the LLEP 2008 identifies a maximum height of 15m for the site.

The development proposes a height of 17.18m which represents a numerical variation of 2.18m or 14.5%.



**Figure 13** – Elevation of the proposal with height exceedance above red hatched line

The applicant has provided justification for the departure to the development standard in accordance with Clause 4.6 of the LLEP 2008 summarised as follows (a copy of the Clause 4.6 is attached):

*The objectives of the standard are achieved notwithstanding non-compliance with the standard;*

*The objectives supporting the height of buildings control as identified by Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.*

*The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.3.*

*“(1) The objectives of this clause are as follows:*

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity”.*

*As stated within the submitted Statement of Environmental Effects, the proposed development has been designed in accordance with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 and is therefore entitled to a maximum floor space ratio of 1.5:1.*

*The proposal provides for a total gross floor area of 2,316m<sup>2</sup>. The resultant FSR is compliant at 1.4992:1. Therefore, notwithstanding the additional height being sought, the proposal will continue to comply with the FSR control.*

*As demonstrated in Figure 2, the greatest variation is to the lift overrun rather than habitable floor area. When measured from ground level to the roof over the habitable component of the building is just 15.5m and is a direct result of providing 3100mm floor to floor heights as suggested by the LDEP to enable 2.7m floor to ceiling heights internally without the need for bulkheads or dropped ceilings.*

*With respect to overshadowing, the proposal will not result in any additional overshadowing to the adjoining western properties between 12 noon – 3pm ensuring good solar access in the afternoon period.*

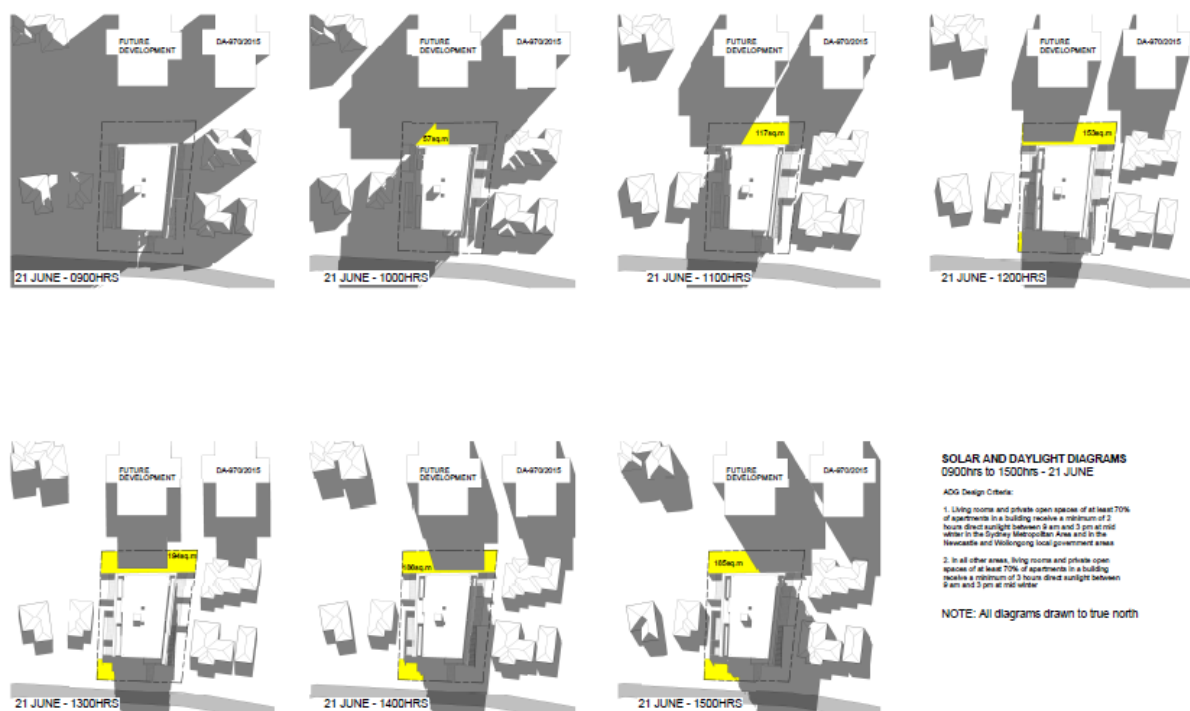
While the proposal will overshadow the adjoining western site between 2pm – 3pm, it is acknowledged that in view of the north-south orientation of the properties, this site is currently being overshadowed by the adjoining property to its north rather than the subject site. As per the Planning Principle established under *The Benevolent Society v Waverley Council*, the ease with which sunlight access can be protected is proportional to the density of development. The principle acknowledges that at higher densities, sunlight is harder to protect which is reflected across the subject and adjoining properties through both their R4 High Density Residential zoning and the north-south orientation of the properties.

In terms of its built form, the proposed development is considered modern in its design with a strong four storey presentation to Anderson Street. The upper level of the building has been designed to be recessive with increased setbacks.

The scale of the proposal has been carefully designed to provide a balance between the amenity for the future occupants and that of existing properties adjoining the site. This is evident through the proposed side and rear setbacks.

In addition, the proposed development has been well articulated to the street frontage and proposes varying setbacks to both side boundaries to ensure that the actual and perceived bulk of the building is minimised not only from the street but also as viewed from the adjoining properties.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards. As demonstrated, the objectives of these standards have been achieved.



**Figure 14** – Extract of the shadow diagrams including future development potential to north

### Are there sufficient Environmental Planning Grounds?

The assessment above demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

The proposal addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will not result in any unreasonable amenity or environmental impacts.

*We respectfully submit that the proposal will result in a better planning outcome as 50% of the proposed dwellings will be nominated as affordable housing for a period of 10 years. The proposal therefore provides a social benefit to the community providing for new, affordable accommodation in an area well serviced by public transport services and local infrastructure.*

*The subject site is well serviced by public transport with regular bus services available along nearby Moore Street (to the north) and Flowerdale Road (to the west) linking the site to the Liverpool City Centre, Prestons, Austral, Carnes Hill and West Hoxton.*

*The development is also notably compliant with the maximum 1.5:1 FSR prescribed by SEPP (Affordable Rental Housing) 2009.*

*In this case, strict compliance with the development standard for height of buildings development standard of the LLEP 08 is unnecessary and unreasonable.*

#### *Is the Variation in the Public Interest?*

*Clause 4.6 states that the development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out.*

*It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.*

*The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.3.*

*The proposed development is in our submission consistent with the desired character of the area and that the proposed development when assessed against the ADG is also compliant in terms of ventilation, amenity and the like.*

*Furthermore, it is important to also consider the objectives of the R4 High Density Residential zone in relation to the development, which are as follows:*

#### *Zone R4 High Density Residential*

##### *Objectives of zone*

- 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. In response to the above the following is provided:*

*In response to the above the following is provided:*

*The proposal will provide for 30 new residential units increasing reflective of the high density zone.*

*It is acknowledged that there is a rising demand for quality affordable housing in the Liverpool local government area and our client is endeavouring to respond to this need by providing 50% of the proposed dwellings as affordable housing for a period of at least 10 years in accordance with SEPP (Affordable Rental Housing) 2009.*

*The development provides for a mix of units, in terms of size, layout, orientation and number of bedrooms. The proposed development is consistent with other high density residential development in the Liverpool precinct.*

*There are no other land uses proposed.*

*Regular bus services are available from Moore Street and nearby Flowerdale Road. As stated above, retail/commercial facilities are also located within proximity of the site.*

*It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards, noting the development will be in the public interest.*

### **Council comments on height of buildings**

The following comments are offered in response to the variation sought to Clause 4.3:

- The design provided is a result of input from the design excellence panel (DEP) review. The form of the current proposal is in response to comments provided by Council and addresses context and appropriate design which was encouraged by Council.
- Insisting on strict compliance with the height controls would result in an inferior built form in terms of architectural presentation and amenity to future occupants.
- The proposal has provided for sufficient setbacks to reduce the impact on privacy to adjoining lower scale development.
- The height variation will have a negligible impact on overshadowing as the most significant height exceedance is the lift overrun which is in the middle of the building.
- The proposed development is considered to be consistent with the objectives of clause 4.3, in that notwithstanding the height exceedance, the development is compliant with the applicable FSR development standard of 1.5:1.
- The proposal allows for a development that encourages high quality urban form and takes into consideration the applicable planning principles of SEPP 65.
- The proposal takes into account the envisaged and intended future character of the area.

Having regard to the above, it is considered that strict compliance with Clause 4.3 *height of buildings* is unreasonable and unnecessary in this instance and the request to vary the development standard is supported in the circumstances of this application.

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

There are no draft Environmental Planning Instruments that apply to the site.

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

The application has been assessed against the controls of the LDCP 2008, particularly Part 1 *General Controls for all Development*; and Part 3.7 *Residential Flat Buildings in the R4 Zone*.

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

## LDCP 2008 Part 1: General Controls for All Development

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
CONTROLS	PROVIDED	COMPLIES
2. TREE PRESERVATION	No major trees on site are being removed. Further assessment of the brushbox tree determined it was not appropriate to be retained due to an already raised root system near the base of the trunk and that a better outcome was to provide suitable landscaping and replacement trees which are indicated on the landscape plans.	Yes
3. LANDSCAPING	The application is accompanied by Landscape Plans that detail the proposed site landscaping.	Yes
4. BUSHLAND AND FAUNA HABITAT PRESERVATION	The site does not contain any significant flora or fauna habitats and is not located within or near to urban bushland.	Yes
5. BUSHFIRE RISK	The site is not identified on Council's bushfire maps as being bushfire prone	N/A
6. WATER CYCLE MANAGEMENT	Stormwater plans have been submitted and approved by Council's Engineering Department.	Yes
7. DEVELOPMENT NEAR CREEKS AND RIVERS	The development site is not near a creek or river	N/A
8. EROSION AND SEDIMENT CONTROL	An erosion and sediment control plan has been submitted and approved by Council's Engineering Department	Yes
9. FLOODING RISK	The site is not identified as flood affected	Yes
10. CONTAMINATION LAND RISK	The proposal responded to SEPP 55 considerations.	Yes
11. SALINITY RISK	The site is not identified as salinity affected.	Yes
12. ACID SULFATE SOILS RISK	The site is not identified as containing acid sulfate soils	N/A
13. WEEDS	The site is not identified as containing noxious weeds	N/A
14. DEMOLITION OF EXISTING DEVELOPMENT	Demolition proposed as part of the proposal.  A Waste Management Plan has been submitted and appropriate conditions imposed.	Yes
15. ON-SITE SEWERAGE DISPOSAL	Connection to Sydney Water Sewer	N/A

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
16. ABORIGINAL ARCHAEOLOGY	There is no known indigenous or non-indigenous heritage or archaeological sites.	N/A
17. HERITAGE AND ARCHAEOLOGICAL SITES	The site is not identified as containing a heritage or archaeological site.	N/A
18. NOTIFICATION OF APPLICATIONS	The proposal was placed on public exhibition and no submissions received.	Yes
20. CAR PARKING & ACCESS	Car parking provision is in accordance with the ARH SEPP requirements for a site in an accessible area.	N/A
22. WATER CONSERVATION	A BASIX certificate has been provided. An updated BASIX certificate will be conditioned.	Yes
23. ENERGY CONSERVATION	A BASIX certificate has been provided. An updated BASIX certificate will be conditioned.	Yes
25. WASTE DISPOSAL AND RE-USE FACILITIES	A Waste Management Plan accompanies the application and details the waste management practices to be adopted, including the ongoing collection, storage, recycling and disposal of waste.	Yes
26. OUTDOOR ADVERTISING	No advertising structures are proposed as part of the subject application.	N/A
27 SOCIAL IMPACT ASSESSMENT  The DCP requires a Social Impact Comment for Residential Apartment Buildings comprising more than 20 units.	A social impact initial assessment was provided by the applicant, reviewed and considered satisfactory by Council's Community Planning Section.	Yes

### Part 3.7 – Residential Flat Buildings in the R4 Zone

Development Control	Provision	Comment
<b>Frontage and Site Area</b>		
	Minimum frontage of 24m	Complies A frontage of 31m is provided to Anderson Avenue.
<b>Site Planning</b>		
	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	Complies The proposal seeks minor cut and fill works, in addition to the proposed two level basement carpark.
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	Complies Where possible ground level private open space, balconies and windows have been orientated to the

Development Control	Provision	Comment
		north to maximise solar access and improve energy efficiency of the building.
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	Complies The units have been orientated to address Anderson Avenue providing opportunities for casual surveillance of pedestrian paths and the driveway.
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	Complies The development is in accordance with the objectives of the zone.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate	Complies This aspect has been reviewed by Council's technical officers, who have recommended approval subject to conditions.
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	Complies As demonstrated within this report, the development demonstrates compliance with SEPP 65.
<b>Setbacks</b>		
<b>Front Setback</b>	Front setback of 5.5m is required to Anderson Avenue.	Complies 8.5m at ground floor 6m at Level 1 – 3 6m – 8.5m at Level 4
	Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.	Not Applicable.
<b>Side Setback</b>	Boundary to land in R4 zone: 3m building setback required for a building height up to 10m (i.e. ground floor, Level 1, Level 2 and Level 3)	Complies A side setback of 6m is provided.
	Boundary to land in R4 zone: 8m building setback required for a building height greater than 10m (i.e. Level 4 and Level 5)	Complies A side setback of 8m is provided.
<b>Rear Setback</b>	Boundary to land in R4 zone: 8m building setback required for all building heights	Complies A rear setback of 8m is provided.
<b>Landscaped Area and Private Open Space</b>		
<b>Landscaped Area</b>	A minimum of 25% of the site area shall be landscaped area.	Complies Based on a combined site area of 1545m <sup>2</sup> , a minimum landscaped area of 386m <sup>2</sup> is required.  The proposed development provides 543m <sup>2</sup> of landscaping areas which equates to 35% of the site area.

Development Control	Provision	Comment
	A minimum of 50% of the front setback area shall be landscaped area	Complies 68% of the front setback will consist of landscaping
	Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.	Complies Landscaped areas are generally consolidated within the front and rear setbacks, incorporating deep soil areas.
	Promote landscape health by supporting for a rich variety of vegetation type and size	Complies A variety of native plant species are provided.
<b>Open Space</b>	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Complies An area of communal open space is proposed within the rear setback and is afforded a northern orientation. In keeping with the recommendations of the DEP, the rear setback has been increased to 8m to provide for a greater area of common open space. A secondary area of common open space is proposed within the front setback.
	Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking.	Complies The proposed areas of communal open space are of a size and dimension that are capable of accommodating a range of uses including BBQ facilities and seating.
	Locate open space to increase the potential for residential amenity.	Complies The open space is located at ground level ensuring equitable access. Dense landscaping will provide for separation between private and communal areas of open space.
<b>Private Open Space</b>	Private open space shall be provided as follows: - 10m <sup>2</sup> for a dwelling size less than 65m <sup>2</sup> - 12m <sup>2</sup> for a dwelling size over 65m <sup>2</sup>	Complies Private open space requirements are provided in accordance with the requirements of the ADG.

Development Control	Provision	Comment
	Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.	Complies Private courtyards are provided for units on the ground floor and balconies are provided for units above the ground floor.
	Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.	Complies The POS acts as an extension of the internal living rooms.
	Private open space should be clearly defined for private use.	Complies The POS is clearly defined.
<b>Building Design, Style and Streetscape</b>		
<b>Building Appearance and Streetscape</b>	<p>Objectives of the controls are as follows:</p> <p>a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings.</p> <p>b) To promote high architectural quality in residential flat buildings.</p> <p>c) To ensure that new developments have facades which define and enhance the public domain and desired street character.</p> <p>d) To ensure that building elements are integrated into the overall building form and facade design.</p>	<p>Complies</p> <p>The composition of building elements, materials, textures and colours is likely to complement the future character of the area in terms of height, bulk, scale, built form and roof design. The proposed building is highly articulated and designed to suit the site and address the streetscape.</p> <p>Levels 1 – 3 of the development will cantilever in part over the ground floor below creating a strong vertical element, which clearly defines the pedestrian entrance.</p> <p>Level 4 of the building responds to ADG provisions providing for greater side and rear boundary setbacks ensuring a high level of amenity is maintained between the subject site and adjoining properties.</p> <p>To the corners of the building, the proposed balconies have been wrapped around the building to maximise northern sunlight or alternatively avoid solely south facing units.</p> <p>The repetitious design of Levels 1 – 3, to allow for balconies to cantilever over balconies enabling passive shading.</p>
<b>Roof Design</b>	<p>Objectives of the controls are:</p> <p>a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings;</p> <p>b) To integrate the design of the roof into the overall facade, building composition and desired contextual response;</p> <p>c) To increase the longevity of the building through weather protection.</p>	<p>Complies</p> <p>The proposed roof design contributes positively to the design of the building.</p>
<b>Building Entry</b>	<p>Objectives of the controls are:</p> <p>a) To create entrances which provide a desirable residential identity for the development.</p> <p>b) To orient the visitor.</p> <p>c) To contribute positively to the streetscape and building facade design.</p>	<p>Complies</p> <p>Entries are located to relate to the streetscape and provide an attractive and safe appearance to residents and visitors.</p> <p>Levels 1 – 3 of the development will cantilever in part over the ground floor below creating a strong vertical element, which clearly defines the pedestrian entrance.</p>

Development Control	Provision	Comment
<b>Balconies</b>	Objectives of the controls are: a) To ensure that balconies contribute positively to the façade of a building. b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents. c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	Complies Proposed balconies are integrated into the architectural form of the development and will complement the façade and also provide for casual surveillance.
<b>Daylight Access</b>	Objectives of the controls area: a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.	Complies The majority of the units and the communal open space will receive adequate solar access.
<b>Internal Design</b>	Objectives of the controls are: a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.	Complies The building is designed with optimal amenity for future occupants, providing pleasant living spaces, solar access, and natural ventilation.
<b>Ground Floor Dwellings</b>	Objectives of the controls are: a) To contribute to the desired streetscape of an area and to create active safe streets. b) To increase the housing and lifestyle choices available in dwelling buildings.	Complies The ground floor units will complement the streetscape and provide safe access.
<b>Security</b>	Objectives of the controls are: a) To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings. b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders. c) To ensure buildings are safe and secure for residents and visitors. d) To contribute to the safety of the public domain.	Complies The entrance to the building is clearly defined, causal surveillance opportunities exist, and the development provides a safe and secure building for future occupants and visitors.
<b>Natural Ventilation</b>	Objectives of the controls are: a) To ensure that dwellings are designed to provide all habitable	Complies All units have direct access to natural ventilation.

Development Control	Provision	Comment
	rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. b) To provide natural ventilation in non-habitable rooms, where possible. c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	
<b>Building Layout</b>	Objectives of the controls are: a) To provide variety in appearance. b) To provide increasing privacy between dwellings within the building. c) To assist with flow through ventilation. d) To improve solar access.	Complies Proposed building layout is optimised for natural light and ventilation, whilst presenting an articulated presentation.
<b>Storage Areas</b>	A secure storage space is to be provided for each dwelling with a minimum volume of 8m <sup>3</sup> (minimum dimension 1m <sup>2</sup> ). This must be set aside exclusively for storage as part of the basement or garage.	Complies Storage spaces are provided within units.
	Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	Complies Storage areas within the apartment are adequately lit.
<b>Landscaping and Fencing</b>		
<b>Landscaping</b>	Objectives of the controls are: a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape. b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape. c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development. a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality. b) To provide privacy, summer shade and allow winter sun. c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality. d) To add value to residents' quality of life within the development in the forms of privacy, outlook and views.	Complies The use of landscaping elements is appropriate to the scale of the development and provides a variety of native species in varying heights to complement the development.

Development Control	Provision	Comment
<b>Planting on Structures</b>	a) To contribute to the quality and amenity of communal open space on podiums and internal courtyards. b) To encourage the establishment and healthy growth of trees in urban areas.	Complies  Landscaping is proposed in planter boxes on Level 4 adjacent to the wraparound balconies. Appropriate screening vegetation has been provided on plans.
<b>Fencing</b>	Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	N/A No fencing proposed.
	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.	N/A No fencing proposed.
	The front fence must be 30% transparent.	N/A No fencing proposed.
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	N/A No fencing proposed.
	The maximum height of side boundary fencing within the setback to the street is 1.2m.	N/A No fencing proposed.
	Boundary fences shall be lapped and capped timber or metal sheeting.	N/A No fencing proposed.
<b>Car Parking and Access</b>		
<b>Car Parking</b>	Visitor car parking shall be clearly identified and may not be stacked car parking.	Not Applicable Parking spaces have been provided in accordance with the SEPP (Affordable Rental Housing) 2009. As such, visitor spaces are not required however 6 spaces have been provided.
	Visitor car parking shall be located between any roller shutter door and the front boundary.	
	Pedestrian and driveways shall be separated.	Complies Pedestrian and driveways are separated.
	Driveways shall be designed to accommodate removalist vehicles.	Not Applicable On-street parking is available for removalist vehicles.
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	Not Applicable Side vehicular entrance is not appropriate in this instance.
	Give preference to underground parking	Complies
<b>Pedestrian Access</b>	Objectives of the controls are: a) To promote residential flat development that is well connected to the street and contributes to the accessibility of the public domain.	Complies Pedestrian entries are clearly defined and accessible.

Development Control	Provision	Comment
	b) To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.	
<b>Amenity and Environmental Impact</b>		
<b>Over-shadowing</b>	Adjoining properties must receive a minimum of three (3) hours of sunlight between 9am and 5pm on 21 June to at least: - One living, rumpus room or the like; and - 50% of the private open space.	Complies Shadow diagrams of the proposed development have been prepared for 21 June (winter solstice) which demonstrate sufficient solar access is provided to all adjoining properties.
<b>Privacy</b>	Objectives of the controls are: a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space.	Complies The building has been designed to generally comply with the setback provisions of the LDCP 2008.
<b>Acoustic Impact</b>	Objectives of the controls are: a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings.	Complies The development is able to achieve a high level of amenity, subject to the implementation of noise attenuation measures.  Careful consideration has been made to separate noisier spaces from quieter spaces by grouping uses within a dwelling - bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together.  The design has sought to minimise the amount of common walls with other dwellings to further reduce the potential for noise transfer.
<b>Site Services</b>		
	Objectives of the controls are: a) To ensure that the required services are provided. b) To ensure that the services provided are easily protected or maintained.	Complies All required site services will be provided to the site and maintained.

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***

This section of Liverpool is zoned R4 - high density residential and the proposal is therefore considered consistent with the long term future character of the locality. The development has been designed with adequate regard to neighbouring properties to maintain their amenity, particularly in terms of visual/acoustic privacy and overshadowing.

##### ***Natural Environment***

The proposed development does not require the removal of any significant vegetation and is unlikely to cause detrimental impact to any endangered and non-endangered species of flora and fauna.

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

The proposed development will generate a positive social and economic impact through capital investment and job creation during construction and through the creation of affordable housing to meet community needs.

#### **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 SEPP (Affordable Rental Housing) 2009, LLEP 2008 and LDCP 2008 as outlined in the report. The identified variations have been considered and are supported as they do not result in any long term adverse impacts. Overall the development is considered to satisfy the relevant controls for site selection.

#### **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:

<b>Department</b>	<b>Comments</b>
<b>Engineering</b>	Satisfactory, subject to conditions.
<b>Building</b>	Satisfactory, subject to conditions.

<b>Community Planning</b>	<p>Satisfactory, subject to conditions.</p> <p>The addition of new affordable housing dwellings meets an identified community need in the Liverpool Local Government Area (LGA) and is consistent with Direction 1 – Creating Connection under Liverpool City Council's (Council) Our Home, Liverpool 2027 Community Strategic Plan, 'Implement access and equity for all members of the community'. It is also consistent with Clause 6 of the SEPP (ARH) 2009 regarding affordable housing.</p>
<b>Landscape</b>	Satisfactory, subject to conditions.
<b>Traffic</b>	Satisfactory, subject to conditions.

## **(b) External Referrals**

The DA was not referred to any external Public Authorities for comment.

## **(c) Community Consultation**

The development application was notified for a period of 14 days between 4 January 2016 and 18 January 2016 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received during the notification period.

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

The proposed development is consistent with the zoning of the land and would represent a 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 Developer Contributions**

Contributions have been applied to the development in accordance with Liverpool Contributions Plan 2009.

## **8 CONCLUSION**

In conclusion, the following is noted:

- The proposal 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 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 would be consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.
- The proposal substantially complies with the provisions of the LDCP 2008.
- The proposed development will generate a social benefit for the community, given the provision of affordable rental housing, which will be managed by a not-for-profit social housing provider.

## **9 ATTACHMENTS**

1. Architectural plans
2. Landscape plans
3. Recommended Conditions of Consent
4. Clause 4.6 Variation written justification for height variation
5. Statement of Environmental Effects
6. SEPP 65 Design Verification Statement
7. Design Excellence Panel Comments
8. Letter from Evolve Housing (Community Housing Provider)
9. Waste Management Plan